

IN THE CIRCUIT COURT OF THE FIFTEENTH  
JUDICIAL CIRCUIT IN AND FOR THE COUNTY  
OF PALM BEACH, STATE OF FLORIDA

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THE STATE OF FLORIDA, )  
et al., )  
Plaintiffs,) Civil Division  
vs. ) No. CL95-1466AH  
THE AMERICAN TOBACCO )  
COMPANY, et al., )  
Defendants.)  
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Videotaped Deposition of JOHN  
PARRISH-SPROWL, at 35 West Wacker  
Drive, Suite 3500, Chicago, Illinois,  
commencing at 9:00 a.m. on Tuesday,  
March 25, 1997, before Donna M.  
Stifter, CSR No. 084-003145.

PAGES 1 - 316

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FOR THE DEFENDANT BROWN & WILLIAMSON:  
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(WHEREUPON Deposition Exhibit  
Nos. 1 - 3 were marked as of  
3/25/97.)

THE VIDEOGRAPHER: This is the  
videotaped deposition of Dr. Parrish-Sprowl  
taken in the matter of State of Florida,  
et al., versus American Tobacco Company in the  
Circuit Court of the Fifteenth Judicial  
Circuit in and for the County of Palm Beach,  
State of Florida, Case No. CL95-1466AH.

This deposition is being held at  
the law offices of Winston & Strawn, 35 West  
Wacker Drive, Conference Room 35B, on the 25th  
day of March, 1997, at the hour of 9:32 a.m.

My name is Steve Artstein, and I  
am the videographer. The Court Reporter is  
Donna Stifter in association with Interim  
Reporting.

Will counsel please introduce  
themselves?

MR. PURVIS: I'm Allen Purvis with  
the firm of Shook, Hardy & Bacon in Kansas  
City, Missouri, representing Lorillard Tobacco  
Company.

MS. TYLER: I am Julia Tyler with the

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law firm of Johnson & Tyler in Washington,  
D.C., representing Philip Morris.

MR. RAKOCZY: My name is Mark Rakoczy  
from the law offices of Skadden, Arps, Slate,  
Meagher & Flom in Chicago representing United  
States Tobacco Company.

MR. WOO: I'm Robert Woo from King &  
Spaulding in Atlanta, and I am representing  
Brown & Williamson.

MR. BERLY: And I'm Andy Berly  
representing the plaintiffs, the State of  
Florida.

THE VIDEOGRAPHER: Will the Court  
Reporter please administer the oath?

JOHN PARRISH-SPROWL,  
having been first duly sworn, was examined and  
testified as follows:

18 EXAMINATION  
19 By Mr. Purvis:  
20 BY MR. PURVIS:  
21 Q Good morning, Professor. My name is  
22 Allen Purvis. We met earlier this morning.  
23 Have you ever given your  
24 deposition before?  
25 A No. This is my first time.

6

1 Q As probably has been explained to you  
2 by Mr. Berly, I'll be asking you questions and  
3 others of the attorneys will be asking  
4 questions later. If at any time you don't  
5 understand anything that I have said in my  
6 question, please ask me to rephrase it, and I  
7 will be glad to try to do so.  
8 We'll probably go for about an  
9 hour, and then we'll take a break. But if you  
10 need to take a break at any time before that,  
11 just let me know and we will certainly try to  
12 accommodate you.  
13 Could you state your full name  
14 for the record, please?  
15 A My name is John Parrish-Sprowl.  
16 Q Where are you employed?  
17 A I'm employed at Indiana University,  
18 Purdue University, Fort Wayne, Indiana.  
19 Q Is that institution known locally as  
20 IUPU?  
21 A Generally locally it's known as IPFW.  
22 Q IPFW. So we can talk about IPFW, and  
23 you'll know what I'm referring to?  
24 A Correct.  
25 Q Professor, could you define

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1 propaganda for me, please?  
2 A Propaganda is basically a mass  
3 persuasion campaign designed to elicit  
4 particular behaviors or particular  
5 attitude-known responses amongst a wide number  
6 of people in a population, and it's generally  
7 thought of as a campaign that includes some  
8 deception or lies in the process of trying to  
9 create those changes in people.  
10 Q Am I correct that propaganda has a  
11 negative connotation in the word itself?  
12 A I think that's a fair statement, yes.  
13 Q Could you define public relations for  
14 me?  
15 A Public relations is basically the  
16 attempt by an organization to get their name  
17 into the public domain and to try to have that  
18 name considered favorably by the people in the  
19 public domain.  
20 Q Could you define education for me?  
21 A Education is basically the attempt to  
22 teach people things that they didn't know  
23 before, to try to develop their critical  
24 thinking skills, to try to develop their  
25 ability to analyze and to understand, and to

1 try to develop their ability to articulate  
 2 ideas that they were not able to articulate  
 3 before, and to interact with other people in a  
 4 way that reflects the educated nature of their  
 5 selves.

6 Q Professor, you have given me three  
 7 definitions. And they're different for each  
 8 of the three terms; is that correct?

9 A Correct.

10 Q So is it a fair statement that  
 11 education, public relations, and propaganda  
 12 are three distinct areas?

13 A I wouldn't say that because we have  
 14 those terms because sometimes when we want to  
 15 talk about a particular domain, we want to  
 16 identify that specific domain and deal with it  
 17 in a particularized kind of way.

18 But clearly those domains can  
 19 overlap, and propaganda can certainly include  
 20 and does include public relations as well as  
 21 advertising and some other aspects of behavior  
 22 as well as message sending, and it certainly  
 23 could include but does not necessarily include  
 24 education. So that, no, they're not  
 25 necessarily distinct.

1 Q So it's your testimony that they  
 2 overlap in many respects; is that correct?

3 A It is my testimony that it is  
 4 possible for them to overlap. It is possible  
 5 for us to talk about those things  
 6 independently, but it's also possible for us  
 7 to talk about those things in conjunction, and  
 8 we often do all of those depending on the  
 9 point that we're trying to make at the given  
 10 time.

11 So really to understand how  
 12 you're using a particular term in any sense,  
 13 you have to understand the context in which  
 14 you're using that term.

15 Q Could you define rhetoric for me?

16 A Rhetoric is basically public  
 17 persuasive discourse.

18 Q Is it distinct from propaganda?

19 A Not necessarily.

20 Q How is it the same or similar to  
 21 propaganda?

22 A Well, rhetoric is often times a term  
 23 used that may talk about something less than a  
 24 mass campaign or a mass appeal. Whereas  
 25 propaganda is almost exclusively used in that,

1 although it may have elements of interpersonal  
 2 interaction in it.

3 Rhetoric is a long history of  
 4 study that in the western tradition dates back  
 5 to the Athenian Greeks and probably before.  
 6 And the study of rhetoric, therefore, has a  
 7 longer roots in a much more substantive  
 8 intellectual tradition than the study of

9 propaganda per se.  
10 Q Do you consider yourself to be an  
11 expert in propaganda?  
12 A Yes, I do.  
13 Q On what do you base that claim of  
14 expertise?  
15 A I claim my expertise based on my  
16 education, my practical experience, the  
17 writing that I have done as well as the  
18 courses that I have taught and the  
19 preparations I've had to do to teach those  
20 particular courses, as well as the continuing  
21 education that I've engaged in over the course  
22 of my career.  
23 Q Who do you consider to be the  
24 foremost experts on propaganda in the United  
25 States today?

11

1 A I think that's a difficult question  
2 to answer.  
3 Certainly one of the most  
4 important people is Victoria O'Donnell and her  
5 co-author Jowett. Their book on propaganda  
6 and persuasion I think is a very important  
7 one, and a lot of people respect and value  
8 that book. That would be one example of  
9 somebody that's noted in that area.  
10 Q You said that a lot of people respect  
11 that book.  
12 Do you respect that book?  
13 A Yes, I do.  
14 Q In the United States who engages in  
15 propaganda?  
16 A I believe that the tobacco industry  
17 engages in propaganda. Because of my  
18 particular study at this time, that's probably  
19 the foremost example that I can think of.  
20 Q Is the tobacco industry the only  
21 group in your opinion that engages in  
22 propaganda in the United States at this time?  
23 A I'm not saying that. I'm saying  
24 simply that's what I've been studying  
25 recently, and that's what's uppermost on my

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1 mind, and that's the propaganda campaign I'm  
2 prepared to speak about today.  
3 Q I'll repeat my question.  
4 Who else engages in propaganda  
5 in the United States today?  
6 MR. BERLY: Objection. You asked and  
7 he answered it.  
8 MR. PURVIS: I beg to differ. He  
9 didn't answer it.  
10 BY MR. PURVIS:  
11 Q I'll withdraw it.  
12 Does any other group engage in  
13 propaganda in the United States today?  
14 A It is possible that other groups do.  
15 I don't have one that immediately comes to  
16 mind because I've been immersed in studying  
17 the tobacco propaganda campaign.

18 I think that it's possible that  
19 others do, but I can't recall one at the  
20 moment.  
21 Q I understand that you're immersed in  
22 studying the tobacco issues. When did you  
23 start studying the tobacco issues?  
24 A Well, in a generalized sense I've  
25 always been interested in tobacco advertising

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1 and I've even had some discussion in writings  
2 about tobacco activities.  
3 I became more specifically  
4 focused in the last two or three months.  
5 Q Prior to the last two or three  
6 months, what was in your mind as a group in  
7 the United States that practiced propaganda?  
8 A I think that they have been, in my  
9 mind -- first of all, I hadn't studied it in  
10 that particular sense. I'm just saying that  
11 you asked my interest in tobacco, and I  
12 responded that I had studied aspects of that  
13 before.  
14 I have drawn my conclusions more  
15 recently based on more extensive study that  
16 they have engaged in a propaganda campaign.  
17 Q Professor, I don't think we're  
18 communicating. I'd like for you to go back in  
19 time before you started studying tobacco  
20 campaigns more recently, some two to three  
21 months ago.  
22 At that time did you have an  
23 opinion as to whether anyone other than the  
24 tobacco industry in the United States engaged  
25 in propaganda?

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1 MR. BERLY: Objection again. You've  
2 asked that, and he's answered that. He's told  
3 you that he can't think of any.  
4 BY MR. PURVIS:  
5 Q You may answer.  
6 A I simply don't have a specific recall  
7 at the moment.  
8 Q You're an expert on propaganda;  
9 correct?  
10 A Correct.  
11 Q So prior to two or three months ago,  
12 the only entity that you understood that  
13 engaged in propaganda was the cigarette  
14 industry? Is that your testimony?  
15 A No.  
16 I think what I said is I don't  
17 have a particular recall at the moment. My  
18 work has been focused in a particular area,  
19 and that's what's uppermost on my mind.  
20 So I'd have to give some  
21 considerable thought. If I think of an answer  
22 later on in the day, I'll be happy to share  
23 that with you.  
24 Q When you concentrate and focus on a  
25 particular subject, do you forget everything

1 that you knew before that activity of  
2 concentrating on that subject?

3 A No. I don't believe that that would  
4 be the case.

5 Q But you can't think of any other  
6 group in the United States other than the  
7 tobacco industry that engages in propaganda?

8 A Well, see, in the way that you ask  
9 the question, you ask me if I forget  
10 everything that I've ever studied before.  
11 "Everything" is an all-inclusive term. No, I  
12 don't forget everything that I've ever studied  
13 before.

14 Does that mean in a specific  
15 instance talking about a particular propaganda  
16 campaign do I have a particular recall at that  
17 moment, the answer is is that I don't have one  
18 at the moment. If I think of one later today,  
19 I'll be happy to come back and share that with  
20 you.

21 Q You mentioned a book by Jowett and  
22 O'Donnell on propaganda and persuasion.

23 Do you recall that answer you  
24 gave a minute ago?

25 A Yes, I do.

1 Q What other texts or authoritative  
2 journal articles do you consider to be  
3 critical to the field of propaganda?

4 A I think it's particularly instructive  
5 to read the Diary of Joseph Goebbels and to  
6 look at what Hitler did in Germany.

7 I think it's particularly  
8 instructive to look at the propaganda  
9 campaigns of the former communist governments  
10 in Eastern and Central Europe and the former  
11 Soviet block.

12 I think that it is interesting  
13 to look at other issues related to persuasion  
14 so that what you want to do is understand some  
15 knowledge of social scientific approaches to  
16 persuasion when you think of things like the  
17 Yale studies, cognitive dissonance studies,  
18 studies related to Petty and Caccioppo's model  
19 of persuasion, I think it's important to  
20 understand rhetoric and the role it might  
21 play.

22 So it would be important to  
23 understand Aristotle's notions of rhetoric.  
24 It would be important to understand  
25 contemporary notions of rhetoric and how that

1 might play into propaganda.

2 I think it's also important to  
3 understand the nature of some aspects of  
4 advertising, some aspects of public relations,  
5 some aspects of suasive discourse in a  
6 face-to-face kind of situation as well as  
7 through mediated context.

8 Q Have you read the diaries of

9 Goebbels?  
10 A I have not read the diaries, no.  
11 Q Have you studied the activities of  
12 communist governments?  
13 A I have to some degree, yes.  
14 Q Sir, have you seen the Complaint in  
15 this case that's been filed by the State of  
16 Florida and other entities against the tobacco  
17 industry?  
18 A I don't have a specific recall of the  
19 document. If you could place it before me,  
20 that would be very helpful.  
21 Q Tell me your understanding of what  
22 the State of Florida is claiming against the  
23 tobacco industry in this lawsuit.  
24 A My understanding is that the State of  
25 Florida is claiming that the tobacco industry

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1 sold a product when they knew that that  
2 product was dangerous for people, when they  
3 knew that that product would be a problem for  
4 the people who used it, that they deliberately  
5 tried to sell that product to adolescents and  
6 younger people, and that as a result the state  
7 has incurred costs related to Medicare and  
8 Medicaid and that they are trying to recover  
9 those costs.  
10 Q Do you consider yourself to be an  
11 expert in advertising?  
12 A Yes, I do.  
13 Q On what do you base that claim of  
14 expertise?  
15 A I have studied advertising. I have  
16 taught courses that include issues related to  
17 advertising and have prepared to teach those  
18 courses. And I have written about  
19 advertising.  
20 Q Tell me all the things, all the  
21 articles or publications, that you've done on  
22 advertising?  
23 A Let's see here, well, in case I  
24 forget one, of course you have the list  
25 yourself because you have a copy of my Vitae

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1 and all of my publications are on the Vitae,  
2 so you have those.  
3 I have written about the  
4 discourse of advertising and capitalism in  
5 Eastern Europe in general and Poland in  
6 particular. Those would be the two pieces  
7 that come to mind most.  
8 I've also written a chapter  
9 about persuasion in and by organizations, and  
10 I talked about advertising in there as well.  
11 Q Simply because you have written two  
12 articles and a chapter that mention  
13 advertising, you believe that qualifies you as  
14 an expert in the field?  
15 A I didn't claim it was simply because  
16 I had written those. I also said it's about  
17 my academic preparation. It's also about my



18 preparation to teach the courses that I've  
19 taught related to that. It's also about the  
20 continuing education I've engaged in by going  
21 to conferences consistently over the years  
22 exposing myself to research of peers that have  
23 given me that expertise.  
24 Q What journals of advertising do you  
25 subscribe to?

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1 A I don't personally subscribe to a  
2 journal of advertising.  
3 Q Do you subscribe to the Journal of  
4 Consumer Research?  
5 A No. I do not.  
6 Q Are you a member of the Association  
7 for Consumer Research?  
8 A No. I am not.  
9 Q Do you subscribe to the Journal of  
10 Advertising?  
11 A No. I do not.  
12 Q Do you regularly read the Journal of  
13 Advertising?  
14 A I read articles in the Journal of  
15 Advertising as they pertain to my work or they  
16 pertain to my interests.  
17 Q How frequently do you reads articles  
18 from the Journal of Advertising?  
19 A That would be difficult for me to  
20 say. I do occasionally, but I can't tell you  
21 specifically how often.  
22 Q Since you don't subscribe, where do  
23 you get the Journal of Advertising to read  
24 these articles?  
25 A That can be obtained from the

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1 library.  
2 Q Do you subscribe to the Journal of  
3 Marketing?  
4 A No. I do not.  
5 Q Do you read the Journal of Marketing?  
6 A I do occasionally.  
7 Q Do you subscribe to the Journal of  
8 Marketing Research?  
9 A No. I do not.  
10 Q Do you read articles from that?  
11 A Yes, I do.  
12 Q Are you a member of the American  
13 Advertising Association?  
14 A No. I am not.  
15 Q Have you ever attended any meeting of  
16 the AAA as it's known?  
17 A No. I have not.  
18 Q Have you ever attended any meeting of  
19 the Association for Consumer Research?  
20 A No. I have not.  
21 Q What courses have you taught that are  
22 devoted exclusively to advertising?  
23 A I have taught no single course that  
24 is exclusively devoted to advertising. That  
25 would be too narrow.

1 Q So advertising is just something  
2 that's included in the courses you teach at a  
3 non-primary level?

4 A I've taught courses at both the  
5 graduate and undergraduate level that deal  
6 with marketing communication strategies,  
7 consumer behavior, persuasion, organizational  
8 communication, all of which contain important  
9 components related to advertising.

10 Q When was the last time you taught a  
11 course in consumer behavior?

12 A It's been maybe seven or eight years.  
13 I can't tell exactly.

14 Again, that would be on my Vitae  
15 I think, and you would have that answer.

16 Q Would you agree with me that consumer  
17 decision making is an extremely complex  
18 process?

19 A Consumer decision making in some  
20 cases is a complex process and in some cases  
21 it's not. That explains, for example, impulse  
22 buying.

23 Q Would you agree with me that dozens  
24 of factors influence a particular consumer's  
25 decision to purchase any given product?

1 A Dozens of factors may influence a  
2 particular consumer's decision to buy a  
3 particular product or they may not.

4 Q Professor, have you been asked to  
5 provide expert testimony in any other  
6 litigation now pending in the State of  
7 Florida?

8 A Yes, I have.

9 Q In what cases would that be?

10 A It's one filed, class action suits  
11 with Attorney Stanley Rosenblatt.

12 Q You have been contacted by  
13 Mr. Rosenblatt?

14 A Yes, I have.

15 Q When did that contact occur?

16 A I don't remember the specific date,  
17 but it would have been perhaps in February.

18 Q Of 1997?

19 A Correct.

20 Q So about a month ago?

21 A Probably a little bit longer than  
22 that, but I'm not sure of the specific date.  
23 I could go back and look in my office.

24 Q When were you first contacted about  
25 this case, the State of Florida case?

1 A It was in January, I think in the  
2 last half of January.

3 Q Who contacted you?

4 A At this point I don't recall the  
5 specific name of the individual.

6 Q Would I be correct in presuming it  
7 was an attorney?

8 A I'm not certain actually what the

9 credentials of the person is that called me.  
10 I don't know if they were a paralegal, an  
11 attorney, or receptionist, who it might have  
12 been.

13 Q What was the nature of that initial  
14 contact? Was it a phone call or a meeting?

15 A It was a phone call.

16 Q What were you asked to do in that  
17 initial phone call?

18 A I was asked if I would be willing to  
19 review some information and make an assessment  
20 in terms of the communicative nature of this  
21 material, and if I felt comfortable would I be  
22 willing to testify as to my opinion concerning  
23 the material that would be given to me.

24 Q What did you respond to that  
25 question?

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1 A I said I would be happy to look at  
2 the information and happy to render my  
3 opinion.

4 Q What happened next?

5 A I received a substantial amount of  
6 documents, and I also was informed that if I  
7 wanted to request any particular additional  
8 information or other documents that I had the  
9 right to do so. In fact, they encouraged  
10 that.

11 I was also encouraged to engage  
12 in my own research outside of the documents  
13 that were given but was basically asked to  
14 immerse myself in this information and render  
15 my professional opinion.

16 Q Was that initial phone call from a  
17 man or a woman?

18 A I believe it was from a woman.

19 Q Does the name Jody Flowers ring a  
20 bell?

21 A I don't believe that's the person.

22 Q Was the person calling on behalf of  
23 the Ness Motley law firm?

24 A That would be correct.

25 Q Approximately how much material did

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1 you receive from the Ness Motley law firm?

2 A I think all of the material that I  
3 received from them you were informed or have  
4 been given copies of five days ago. It's a  
5 substantial amount of material, but, you know,  
6 it's a large stack of papers.

7 Q I'm familiar with how large it is.

8 Did you ask for any other  
9 documents from the Ness Motley law firm?

10 A Yes, I did.

11 Q What did you ask for?

12 A I asked for some research articles  
13 related to, from the Journal of, I believe  
14 from the Journal of Advertising and the  
15 Journal of Consumer Research, from the  
16 Southern Speech Communication Journal, and  
17 some articles related to that.

18 I asked for some specific copies  
19 of advertisements that I had seen reference to  
20 in various material, so I asked for copies of  
21 that.

22 I may have asked something else,  
23 but I don't recall at the moment.

24 Q Who were the authors of the articles  
25 from the journals that you asked for?

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1 A Let's see here, I'm not certain I can  
2 remember the complete list but I know that  
3 some of the articles were by a person named  
4 Henke and some of the articles were by a  
5 person named Goff.

6 Q And you asked for those articles?

7 A Yes, I did.

8 Q Just out of the blue you asked for  
9 Henke and Goff articles?

10 A No. It wasn't out of the blue. It  
11 was germane to the material that was given to  
12 me, and so I asked for that reason.

13 Q How did you know those documents  
14 existed, those articles existed?

15 A Well, two reasons. One is I began to  
16 do my own research in the academic literature  
17 related to this material. And the second is  
18 that there were disclosure statements for  
19 those folks, and they had articles where they  
20 had done some research. And I thought it  
21 appropriate to review material that would come  
22 from both sides in order to render an  
23 appropriate opinion.

24 Q Is it your testimony that all of the  
25 documents that you have received from the Ness

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1 Motley firm have been produced in response to  
2 the subpoena and notice of deposition for this  
3 deposition today?

4 A That is my understanding.

5 Q Could you describe for me the process  
6 of how those documents came to be produced to  
7 me?

8 Were they in your possession  
9 having been received from the Ness Motley law  
10 firm to begin with?

11 A Would you re --

12 Q I'd just like to know the sequence of  
13 events.

14 As I understand your testimony,  
15 documents were sent to you from the Ness  
16 Motley law firm?

17 A That is correct.

18 Q You then requested additional  
19 documents which were sent to you by the Ness  
20 Motley law firm?

21 A Correct.

22 Q When the notice of this deposition  
23 came and we requested that you produce  
24 documents that you would have relied on, what  
25 did you do?

1           A     I believe, let's see here, Attorney  
2     Berly told me that they had a record of all  
3     the documents they sent and they would send  
4     duplicates of all the documents they sent to  
5     me, and they sent them to you.

6           Q     So you did not physically send your  
7     documents back to Ness Motley to be sent to  
8     me?

9           A     Correct.

10          Q     Have you ever compared the list of --  
11     strike that.

12                     As you sit here today, do you  
13     know what documents were sent to me?

14          A     My understanding is that they sent  
15     you all the documents that they sent to me.

16          Q     But you have no way of knowing that  
17     they did; is that correct?

18          A     Well, I believe them. I trust them.

19          Q     But it's correct you have no way of  
20     knowing as you sit here today?

21          A     I wasn't there at the time they were  
22     sent to you, no, that's true.

23                     MR. BERLY: Allen, I may be able to  
24     shed a little light on something. I think I  
25     may know what you're asking.

1                     You will not have in those boxes  
2     those three articles because we have not sent  
3     them to him yet because they are on  
4     inter-library loan. We had to obtain them  
5     through an inter-library loan. We don't yet  
6     have those three in our office.

7                     So your questions to him, you  
8     know, they will not be in your box but it's  
9     only because we haven't yet gotten them from  
10     the library to send them to him. So that  
11     would certainly be an example of something  
12     that we intend to send him that he doesn't yet  
13     have I believe.

14                     MR. PURVIS: Thanks.

15                     THE WITNESS: That's correct.

16                     MR. PURVIS: The articles you're  
17     referring to are the Henke and Goff?

18                     MR. BERLY: Are those three things  
19     that he asked for that he had seen on the  
20     defendants' witness disclosure.

21                     BY MR. PURVIS:

22                     Q     Professor, you indicated that you did  
23     your own independent research after receiving  
24     these materials.

25                     Could you describe that research

1     for me?

2                     A     I have read all the documents that I  
3     have received thus far.

4                     I purchased several magazines  
5     and began to look at the advertisements that  
6     the cigarette companies were using themselves.

7                     I began to read other academic  
8     literature related to rhetoric and related to

9 propaganda that would help me think about the  
10 nature of this material and whether it fit the  
11 definitions and whether it would be proper to  
12 call it propaganda and on what basis I would  
13 decide that. I basically did my own  
14 particular investigation.

15 Q What academic literature did you  
16 review?

17 A I quite frankly can't tell you  
18 everything that I looked at, but I can give  
19 you at least some of the things.

20 I did go back and reread Jowett  
21 and O'Donnell's book.

22 I don't recall the name of the  
23 author, but I read a book related to visual  
24 persuasion.

25 I had read some books related to

32

1 communication theory that, let's see here, one  
2 is called Social Communication.

3 Let's see here, I also read a  
4 book related to communication, Human  
5 Condition.

6 I also went back and looked at  
7 some textbooks, I forget the authors, related  
8 to advertising, and I looked at some  
9 textbooks, authors I don't recall, related to  
10 public relations.

11 I think you'll find that most of  
12 those textbooks contain pretty much the same  
13 material.

14 Let's see here, and I think I  
15 have some other articles that I've read, the  
16 specific titles I don't recall, but they  
17 relate to persuasion in advertising.

18 Many of the articles that I went  
19 back and looked at are also in the  
20 bibliography of the chapter I recently wrote  
21 on Persuasion In and By Organizations, which I  
22 believe you have a copy of.

23 Q What textbooks on advertising did you  
24 review?

25 A I honestly don't recall the author of

33

1 the textbook. And of course, as you well  
2 know, if you have textbooks on advertising  
3 they all say they're advertising, so they all  
4 have the same title.

5 I frankly don't recall the  
6 authors. I pulled the ones that I have on my  
7 shelf in my office.

8 Q Have you ever used an advertising  
9 textbook to teach a course?

10 A I've used parts of advertising  
11 textbooks to teach a course. I have not  
12 actually used specifically an advertising  
13 text.

14 Q Do you recall the author of the text  
15 on social communication that you reviewed?

16 A I believe that one is by Wendy  
17 Leeds-Hurwitz.

18 Q Professor, if you would reach over  
19 there in front of you and pick up Exhibit  
20 No. 1, just take a look at that. I'll give  
21 you a minute to look at it.  
22 Professor, I will represent to  
23 you that the rest of the pages are just names  
24 of lawyers who receive copies of this.  
25 Have you had a chance to look at

34

1 Parrish-Sprowl Deposition Exhibit No. 1?  
2 A Yes, I have.  
3 Q That is defendants' notice of  
4 deposition for John Parrish-Sprowl, Ph.D.,  
5 filed March 19, 1997, with the clerk of the  
6 Palm Beach County court.  
7 Directing your attention to the  
8 bottom of the first page with respect to the  
9 categories of documents that we requested,  
10 Item No. 1.  
11 Have you produced to us all  
12 documents which any lawyer for the State of  
13 Florida has provided to you that pertain to  
14 the subject matter of your expected testimony?  
15 A To the best of my knowledge, that's  
16 been done.  
17 Q Subject to the procedure you  
18 described earlier?  
19 A Correct, correct.  
20 Q Item No. 2, and again they're not  
21 numbered but the second bullet point item,  
22 have you provided to us all documents which  
23 you have specifically reviewed in preparation  
24 for your testimony in this case which relate  
25 to your testimony in this case?

35

1 A I believe that I have, yes.  
2 Q Again, with Mr. Berly's exception to  
3 the three Henke and Goff articles and the  
4 textbook materials, you have provided  
5 everything to us?  
6 A Correct.  
7 Q Professor, is it a fair statement  
8 that the research that you did after having  
9 received the documents from the Ness Motley  
10 law firm was in the nature of background  
11 research?  
12 A Exactly what would you mean by  
13 "background research"?  
14 Q Well, the point I'm getting at is we  
15 did not receive copies of the advertising  
16 textbook, the social communication textbook.  
17 A That's simply re-reading books that  
18 I've already read just to make sure that I'm  
19 thinking things, in other words, yeah, that's  
20 just standard professional work.  
21 Q That's background as opposed to  
22 materials you specifically are relying on for  
23 this case?  
24 A That's correct.  
25 Q So it is a true statement that you

1 have provided us with all documents that  
2 you've reviewed in preparation for your  
3 testimony in this case that relate to your  
4 testimony in this case?  
5 A Correct.  
6 Q The final item on Page 1 requested  
7 that you produce all documents prepared by you  
8 in connection with your testimony in this  
9 case.  
10 Have you prepared any such  
11 documents?  
12 A No. I have not.  
13 Q The next item has to do with medical  
14 and scientific articles, which I think we can  
15 skip. I presume you have not read any medical  
16 or scientific articles?  
17 A I don't believe so.  
18 Q The next item, have you produced all  
19 reports prepared specifically for this case  
20 which are not published?  
21 A Yes, I have.  
22 Q Are there any such reports?  
23 A Not that I know of.  
24 Q Have you had any written  
25 communications with the Ness Motley law firm

1 in which you expressed your views or opinions?  
2 A No. I have not.  
3 Q The next item is billing records in  
4 connection with this case, and I don't recall  
5 seeing any in the box.  
6 Have you submitted a bill to the  
7 Ness Motley firm?  
8 A I have, and it was my understanding  
9 that that would be sent along with everything  
10 else.  
11 MR. PURVIS: I didn't see it in  
12 there, and I'm told it isn't there. So could  
13 we make a request to get that?  
14 MR. BERLY: Sure. And in fact I have  
15 a vague recollection of receiving one.  
16 You believe you sent us a bill?  
17 THE WITNESS: I have sent you a bill.  
18 MR. BERLY: Okay. At a break I can  
19 call my office and we can even get it faxed in  
20 if it's not in there. That may be an  
21 oversight.  
22 MR. PURVIS: Just as long as we get  
23 it.  
24 THE WITNESS: That's no problem.  
25

1 BY MR. PURVIS:  
2 Q I presume you're charging the Ness  
3 Motley firm for your consultation services?  
4 A Yes.  
5 Q Are you charging on an hourly basis?  
6 A Yes.  
7 Q What is your hourly fee?  
8 A \$80.



9 Q Do you recall the amount of the bill  
10 that you've submitted to the Ness Motley  
11 firm?  
12 A If I remember correctly, I could be  
13 off a little bit, it was \$4,080 plus some  
14 expenses.  
15 Q Would the expenses have involved any  
16 travel?  
17 A Yes.  
18 Q Have you traveled to Charleston or  
19 elsewhere to meet with the lawyers in this  
20 case?  
21 A I have traveled to Chicago.  
22 Q To Chicago.  
23 On how many occasions have you  
24 made such trips?  
25 A Twice.

39

1 Q When was the first such trip?  
2 A I could be off a day or two, but I  
3 believe that it was February 12th and 13th.  
4 It could be February 13th and 14th, something  
5 like that.  
6 Q Who called you and asked you to come  
7 to Chicago for that meeting?  
8 A I don't specifically recall the  
9 individual. I do, in anticipation of your  
10 question, believe it was a female again.  
11 Q Was the name Anne Ritter possibly who  
12 called you?  
13 A That's possible. I simply don't  
14 remember who called me.  
15 Q Where did you meet in Chicago on  
16 February 12th, 13th, or 14th?  
17 A In an office building down the  
18 street. They all sort of look alike to me on  
19 the outside.  
20 Q Was it a law firm?  
21 A I'm not certain to be honest.  
22 Q Who met with you on that first  
23 occasion?  
24 A There was I think the whole legal  
25 team. There were several attorneys from Ness

40

1 Motley including Andy Berly and Ron Motley and  
2 a whole bunch of other people. There were  
3 some communication experts there including  
4 Steve Carr, Patrick Allen, and Victoria  
5 O'Donnell, and there were some other people  
6 there. I'm assuming that they all worked for  
7 the law firm.  
8 Q Mr. Carr is a co-faculty member with  
9 you at IPFW?  
10 A Correct. That made it easy for me to  
11 remember him.  
12 Q Who is Patrick Allen?  
13 A He was a person that was at the  
14 meeting. My understanding is he has knowledge  
15 in communication. I don't personally know  
16 him.  
17 Q Do you believe him to be an academic?

18           A     It's possible. I don't really know  
19           much about his background. He may work for a  
20           private firm.  
21           Q     How long did this meeting in Chicago  
22           last on February 12th, 13th, or 14th?  
23           A     The better part of one day.  
24           Q     Did you spend the night in Chicago?  
25           A     I spent the night before in Chicago.

41

1           Q     When was your next meeting with the  
2           attorneys in this case?  
3           A     I believe that it was maybe a week to  
4           a week and a half ago. I don't remember the  
5           specific dates again.  
6           Q     That meeting also took place in  
7           Chicago?  
8           A     Correct.  
9           Q     Who did you meet with on that  
10          occasion?  
11          A     I met with Andy Berly and other  
12          members of the trial team.  
13          Q     Do you recall any of their names?  
14          A     Let's see here, there was a guy named  
15          Wayne who I believe is an attorney, and there  
16          was a person named Theresa, and there were  
17          other people.  
18          Q     What did you understand Theresa's  
19          role to be in this meeting?  
20          A     Just part of the trial team. And  
21          part of what they were trying to do was  
22          explain to me what you do in a deposition  
23          since this is the first time I've ever done  
24          this.  
25          Q     Was the women you identified as

42

1          Theresa named Theresa Cignoli?  
2          A     I believe that's correct, yes.  
3          Q     Is it your understanding that she has  
4          some expertise in helping witnesses appear  
5          more credible at time of deposition or trial?  
6          A     My understanding is she works with  
7          the trial team. I think that you may well be  
8          right about that.  
9                  I have not inquired, nor has  
10          anybody told me about the credential  
11          backgrounds of anyone, other than I know Andy  
12          Berly and Ron Motley are attorneys.  
13                  Other than that, I really don't  
14          know and frankly haven't made an effort to  
15          find out because it's enough people, I don't  
16          necessarily keep track of everyone anyway, so  
17          that may well be the case.  
18          Q     Redirecting your attention back to  
19          Deposition Exhibit No. 1, with respect to the  
20          billing records you have only submitted a  
21          single statement to the Ness Motley firm; is  
22          that correct?  
23          A     That is correct.  
24          Q     Approximately how much time have you  
25          put in to this case since you submitted your

1 last statement?

2 In other words, how much  
3 accounts receivable do you have in your best  
4 estimate?

5 A That would probably be, counting  
6 today, probably about a hundred thirty-five to  
7 a hundred forty hours.

8 Q Do you have just a single billing  
9 rate of \$80 an hour?

10 A Correct.

11 Q Again, directing your attention back  
12 to Deposition Exhibit No. 1, the last bullet  
13 point item asks you to provide a list of prior  
14 testimony in smoking and health litigation.  
15 And I presume, sir, you have not yet testified  
16 in smoking and health litigation?

17 A No. This is my first trial of any  
18 type. Well, other than a divorce proceeding.

19 Q We don't need to get into that.

20 A That's good.

21 Q A few minutes ago when you were  
22 describing what documents you requested from  
23 the Ness Motley lawyers, you mentioned that  
24 you asked for some ads; is that correct?

25 A That is correct.

1 Q What ads specifically did you ask to  
2 be provided with?

3 A There was a series of ads written by  
4 a person, I think the name is Shulem or  
5 something of that nature, that appeared in the  
6 Wall Street Journal and some other newspapers  
7 that was a reprint of an article in I think  
8 something called Media Critic, and I was  
9 interested in reading the text of that  
10 particular advertisement.

11 Q Would you describe that as an ad --  
12 strike that.

13 Would you define advertising for  
14 me?

15 A Advertising is a message that's put  
16 out by an organization designed to sell their  
17 products. Or we have also what's called issue  
18 advertising designed to persuade people on a  
19 particular kind of issue, and I think this  
20 would be an issue advertisement.

21 Q Several industries have run issue  
22 advertising; have they not?

23 A That is correct.

24 Q Can you think of any off the top of  
25 your head?

1 A Again, I think because I have been so  
2 immersed in this, I know that there are other  
3 examples. I know I have taught other  
4 examples, but I don't recall one at the  
5 moment.

6 Q Do you recall seeing ads by Mobil Oil  
7 Corporation that would be characterized as  
8 issue advertising?

9           A     Could you refresh my memory as to the  
10 content because it may be that I can recall  
11 then.  
12           Q     It's my recollection it would be a  
13 series of just discussions of environmental  
14 issues. I think they primarily appeared after  
15 the Exxon Valdez?  
16           A     I have a vague recollection of that  
17 series, but I couldn't tell you anything about  
18 the content other than as you cue my memory I  
19 do remember that that occurred.  
20           Q     Would you describe that activity by  
21 Mobil Oil Corporation as propaganda?  
22           A     Before I wanted to render an opinion  
23 on that, I'd have to go back and analyze that  
24 particular series, analyze what Mobil is  
25 doing, and try to get some understanding of

46

1           the nature of that situation before I'd want  
2 to render that judgment.  
3           Q     Do you have an opinion as to what  
4 Mobil Oil was doing was public relations?  
5           A     Again, because I only have a vague  
6 recollection that it happened, I really don't  
7 want to render a professional opinion on  
8 something that I have such little information  
9 about. That would seem inappropriate to me.  
10          Q     But as you sit here today, you  
11 believe it could be either propaganda or  
12 public relations?  
13          A     Well, I wouldn't rule out those  
14 possibilities, but I wouldn't conclude those  
15 possibilities either.  
16          Q     Could it also have been for education  
17 purposes?  
18          A     I wouldn't rule it out that  
19 possibility, but I wouldn't conclude that  
20 possibility either.  
21          Q     Did you participate in debate when  
22 you were in high school?  
23          A     Yes, I did.  
24          Q     College?  
25          A     Yes, I did.

47

1           Q     Could you describe what the debate  
2 field is?  
3           A     Debate is an activity designed to  
4 help develop critical thinking in the students  
5 who participate in it.  
6                   It is an activity that is  
7 competitive, designed to give people an  
8 opportunity to compete who might not be  
9 wanting to compete or able to compete in  
10 sports.  
11                   It is an activity designed to  
12 help educate students related to the process  
13 of articulating their own particular  
14 positions, and I think that's the essence of  
15 it.  
16          Q     As I understand debate, there is a  
17 proposition and you are asked to take either

18 the pro or the con side of the opposition, be  
19 for it and argue for it or argue against it;  
20 is that correct?  
21 A That is correct.  
22 Q That's the nature of a debate, there  
23 are two sides to the issue?  
24 A That is the nature of competitive  
25 debate, yes.

48

1 Q Debate is not limited simply to high  
2 schools or colleges. There's debate in  
3 politics?  
4 A Well, of course, but then when the  
5 context changes the nature of debate changes.  
6 For example, when you have a  
7 high school debate, you may only have two  
8 sides to an issue. In a political debate, you  
9 may have multiple sides to an issue.  
10 So as the context change, you  
11 have to understand the rules, the regulations,  
12 and the definitions of the debate are going to  
13 change as well.  
14 Q The idea that there are multiple  
15 views on a particular issue is not limited to  
16 politics in this country; is it?  
17 A Of course not.  
18 Q Would you agree every man is entitled  
19 to his own opinion?  
20 A I think that all people are entitled  
21 to their opinion. I don't think we have to  
22 limit that to men.  
23 Q Sorry. I didn't mean to.  
24 Professor, if you would reach  
25 out in front of you, the next document under

49

1 that Deposition Exhibit No. 1 is something  
2 that's been marked as Parrish-Sprowl  
3 Deposition Exhibit No. 2 which appears to be  
4 your Curriculum Vitae; is that correct?  
5 A Correct.  
6 Q Is this your most recent Curriculum  
7 Vitae?  
8 A Well, that's complicated. Yes, it's  
9 the most recent copy of my Vitae.  
10 Are there things that are not on  
11 my Vitae yet that are probably new, the answer  
12 is that's true.  
13 Q What would be the things that are not  
14 on your Vitae that might be new?  
15 A I have recently been asked to be part  
16 of the faculty of the Russian European  
17 Institute of Indiana University, and I have  
18 not put that on my Vitae yet. I think that's  
19 the primary issue. Other than that, I think  
20 it's fairly complete.  
21 Q Your Vitae reflects an interest in I  
22 believe it's Poland; is that correct?  
23 A Correct.  
24 Q How does that interest, how did it  
25 arise?

1           A     I became very interested in the mid  
2     1980s in the issues of change and  
3     transformation in people. That of course is a  
4     very practical arena where you're interested  
5     in persuasive processes because change and  
6     persuasion of course go hand in hand.

7                     I've been interested in  
8     persuasion-related organizations domestically.  
9     Well, in 1989 when Solidarity managed to win  
10    the election in Poland and the Berlin Wall  
11    began to fall and we lost the former Soviet  
12    block, what you had were several nations that  
13    were laboratories for looking at change of all  
14    types.

15                    I particularly was interested in  
16    Poland for a variety of reasons, but my focus  
17    there was interested in the transformation and  
18    change and the kind of processes that made  
19    that happen.

20           Q     Did your interest in Poland begin in  
21    1989 or earlier?

22           A     Probably '89, could have been '88,  
23    but it was really very much around the time  
24    that they began to make massive social change  
25    related to the change with the vote of

1     Solidarity becoming in charge of the  
2     government.

3           Q     Have you traveled to Poland?

4           A     Yes, I have.

5           Q     On how many occasions?

6           A     Eight.

7           Q     Have you lived in Poland for any  
8     extended period of time more than just a  
9     couple days on a visit?

10          A     I have. At one point in 1993 I lived  
11    there from September through December. And  
12    then on other occasions I have tended to  
13    travel from ten days to three and a half to  
14    four weeks.

15          Q     So on these eight trips, you've had  
16    occasion to observe life in Poland, the way  
17    people live their daily life?

18          A     Correct.

19          Q     Did you see anyone smoke cigarettes  
20    in Poland?

21          A     Yes, I did.

22          Q     Do you have an opinion as to whether  
23    the rate of smoking cigarettes in Poland is  
24    higher or lower than it is in the United  
25    States?

1           A     I believe the rate of smoking in  
2     Poland is higher.

3           Q     Would that apply to both Polish men  
4     and Polish women?

5           A     That, I don't actually know.

6           Q     I see from your CV that you received  
7     your undergraduate degree with a major in  
8     speech and political science; is that correct?

9 A That is correct.  
10 Q So that was a dual major?  
11 A Correct.  
12 Q Approximately how many hours did you  
13 have to devote in each of those fields to  
14 obtain a major?  
15 A It would help if we looked at my  
16 transcript.  
17 We had quarter hours, not  
18 semesters. So keep that in mind as you look  
19 at these numbers. And I believe that I had  
20 somewhere between forty-eight and sixty hours  
21 in each major.  
22 Q If those were quarter hours, could we  
23 translate that into semester hours and say  
24 thirty to forty hours in each major? I'm  
25 sorry. I didn't do the math right.

53

1 A That would be a rough approximation.  
2 Those conversions are not exact when schools  
3 have shifted from quarters to semesters. It  
4 usually ends up being some kind of fraction.  
5 Q You received a Master's from Miami  
6 University with a specialty in communication;  
7 is that correct?  
8 A That is correct.  
9 Q So is it a fair statement that all of  
10 your courses for the Master's degree were in  
11 the field of communication?  
12 A I had one course that was in the  
13 political science department that dealt with  
14 mass media and politics.  
15 Q And your doctorate is also in the  
16 field of communication; is it not?  
17 A That's correct.  
18 Q What percentage of your hours of  
19 classroom were devoted to the communication  
20 field as opposed to your cognitive management  
21 and marketing?  
22 A To be honest, I couldn't give you an  
23 actual percentage. I'd have to go back and  
24 count up the classes. But I would guess that  
25 about two thirds of my hours were

54

1 communication, and one third were marketing  
2 and management.  
3 Q The words that appears on your CV is  
4 cognate management and marketing. Is that the  
5 same thing as a minor but at the doctorate  
6 level?  
7 A That's correct.  
8 Q After you received your degree, you  
9 taught at the University of Connecticut  
10 Storrs; is that correct?  
11 A That's correct.  
12 Q How big is that university? How big  
13 was it then while you were there?  
14 A I believe it's between fifteen and  
15 twenty thousand students.  
16 Q You were there for four years; is  
17 that correct?

18 A That's correct.  
19 Q Why did you leave?  
20 A There were several reasons. It was  
21 complicated. My wife was on the faculty at  
22 the University of Massachusetts, and I wanted  
23 to have a shorter commute from where I lived.  
24 And second, people from the  
25 University of Hartford approached me about

55

1 applying for a position there, and I looked  
2 into that opportunity.  
3 And third, there had been a  
4 change in leadership at the University of  
5 Connecticut that created difficulties in my  
6 opinion for the department of communication  
7 sciences. So I felt that it was not  
8 necessarily the best place to pursue the  
9 things I wanted to pursue in my career.  
10 Q You were not tenured at Connecticut;  
11 is that correct?  
12 A That is correct.  
13 Q Were you tenured at the University of  
14 Hartford?  
15 A No. I was not.  
16 Q You stayed there for two years. Why  
17 did you leave there?  
18 A I was approached by people at Central  
19 Connecticut State University and asked to  
20 apply for a position there. I was offered a  
21 promotion and a substantial increase in salary  
22 to change. And I felt like that along with  
23 the other opportunities that afforded me to  
24 pursue the kind of work I wanted to pursue,  
25 that it was a good move for me, so I moved.

56

1 Q How big was the student population at  
2 the University of Hartford?  
3 A I honestly don't recall, but I would  
4 guess it's around six or seven thousand  
5 students.  
6 Q Same question for Central Connecticut  
7 State University.  
8 A I believe that it was somewhere  
9 between twelve and fifteen thousand students.  
10 Q Why did you leave Central  
11 Connecticut?  
12 A Again, it's a bit complicated.  
13 My wife and I were interested in  
14 moving to an area with a lower cost of living.  
15 I was also interested in pursuing a position  
16 where I would be chair of a department. And  
17 because I wanted to pursue those opportunities  
18 in my career and a position opened up at IPFW,  
19 a faculty member there encouraged me to apply,  
20 not in any sense that I had a lock on the job  
21 but certainly thought that it would be a good  
22 fit. So I applied, and that's why I made that  
23 move.  
24 Q Are you tenured at IPFW?  
25 A Yes, I am.



1 Q Who approached you to come to Fort  
2 Wayne?

3 A Well, the person that spoke with me  
4 about it is Jane Banks who is on the faculty  
5 there.

6 Q On Page 2 of your CV you list  
7 consultations.

8 What percentage of your  
9 professional life has been devoted to  
10 consulting with business or government groups?

11 A That has varied from year to year  
12 time to time. I think that probably somewhere  
13 between fifteen and twenty-five percent of the  
14 time depending on the time of year and the  
15 particular year that we're talking about.

16 Q Was that the same percentage when you  
17 were at the University of Connecticut? Has it  
18 stayed relatively constant?

19 A It was probably somewhat lower while  
20 I was at the University of Connecticut.

21 Q Do you know how the Ness Motley firm  
22 came to become aware of your name as a  
23 possible witness in this case?

24 A No. I do not.

25 Q I direct your attention to Page 4 of

1 your CV. The editorial service section  
2 indicates that from 1994 to the current you  
3 are the co-editor of the Polish/American  
4 Journal of Communication and Market Studies;  
5 is that correct?

6 A That's correct.

7 Q For a five year period from 1984 to  
8 1989, you were an associate editor for Women  
9 Studies in Communication?

10 A That's correct.

11 Q Those are the only editorships you've  
12 had?

13 A That's correct.

14 Q Have you ever been on an editorial  
15 board of any other journals?

16 A No. I have not.

17 Q Have you ever been a peer reviewer  
18 for any journals?

19 A No. I have not.

20 Q Have you ever been a peer reviewer  
21 for any conference proceedings?

22 A Yes, I have.

23 Q Which ones would those be?

24 A Speech Communication Association,  
25 Eastern Communication Association.

1 Q On how many occasions have you peer  
2 reviewed proposed articles for proceedings for  
3 those organizations?

4 A I believe that it would be three or  
5 four times for Eastern Communication  
6 Association, and I think five, possibly six,  
7 but I think five times for Speech  
8 Communication Association.

9 Q That's over a period of how many  
10 years?  
11 A Five.  
12 Q If I could direct your attention to  
13 Page 7 of your CV, in the middle of the page  
14 you have a heading Pedagogical Activity.  
15 A Pedagogical Activity.  
16 Q Is that a listing of all the courses  
17 you have taught at the graduate or  
18 undergraduate level during the past five  
19 years?  
20 A I think that's most of them. It's  
21 possible that I've missed one or two.  
22 Q Which of those courses dealt with  
23 advertising?  
24 A I've talked about advertising in  
25 Introduction to Mass Media. I've talked about

60

1 advertising in Conflict in Negotiation.  
2 I have discussed advertising in  
3 Research Methods. I have discussed  
4 advertising in Diversity and Multicultural  
5 Perspectives.  
6 I have discussed advertising in  
7 Communication Rehabilitation. I have  
8 discussed advertising in Organizational  
9 Communication.  
10 I have discussed advertising in  
11 Gender and Communication. I think that's  
12 about it.  
13 Q In any of those courses, did you  
14 require your students to purchase an  
15 advertising text?  
16 A No. I did not.  
17 Q In those courses I presume you would  
18 require them to teach -- strike that.  
19 Professor, what was the title of  
20 your dissertation?  
21 A I could be off a word or two, but  
22 it's an empirical investigation of compliance  
23 gaining strategies used by in personals, in  
24 three industries in personal sales, give or  
25 take a couple words.

61

1 I apologize. Nobody has asked  
2 me that in a long time.  
3 Q You have experience as a salesman;  
4 don't you?  
5 A Yes, I do.  
6 Q Would you agree that your expertise  
7 is in personal selling?  
8 A I have expertise in personal selling,  
9 yes.  
10 Q Would you describe that as your  
11 primary expertise?  
12 A No.  
13 Q What would you describe as your  
14 primary expertise?  
15 A My primary expertise is human  
16 communication.  
17 Q You use the term "compliance gaining

18 strategy."  
19 Could you tell me what that  
20 means?  
21 A In the literature of persuasion there  
22 was a strand of research known as compliance  
23 gaining strategy research, and there were  
24 taxonomies developed by several different  
25 researchers trying to develop a list of all

62

1 the different kinds of strategies that people  
2 might use to gain compliance.  
3 Derivative of that, now people  
4 have engaged in several types of  
5 investigations trying to understand, you know,  
6 what kind of strategies people would use under  
7 what conditions, what kind of strategies work,  
8 what kind of strategies are successful.  
9 My research was particularly  
10 involved with the use of that in sales.  
11 Although I do have one study where we tried to  
12 discern whether or not people understood which  
13 strategies were being used in advertising  
14 content.

15 Q Professor, beginning on Page 8 there  
16 is a list of your scholarly activity, which  
17 would be articles and conference papers that  
18 you've published.

19 Directing your attention to the  
20 articles, could you point me to any article  
21 that you've written on the subject of  
22 propaganda?

23 A I would speculate that I have not  
24 specifically discussed that term in any of  
25 those articles.

63

1 Q You're familiar, are you not, with  
2 the concept of keyword identification for  
3 scholarly articles?

4 A Correct.

5 Q In other words, if someone writes an  
6 article on Topics A, B, and C, those will be  
7 indexed by a computer under A, B, and C as  
8 keywords; correct?

9 A Correct.

10 Q Are there any articles that you have  
11 written here that are indexed under the  
12 keyword of "propaganda"?

13 A While I have written a lot of  
14 articles related to persuasion, most of my  
15 research that I have particularly written  
16 about has been on persuasion where people  
17 aren't using deception and aren't lying.

18 So no, I don't have any keyword  
19 descriptions of propaganda. I teach about  
20 propaganda and I talk to people about that and  
21 also talk of course about the ethics of trying  
22 not to engage in that kind of behavior.

23 Q It's a fair statement that you've  
24 done no scholarly research in the field of  
25 propaganda; isn't that fair?

1           A     No. I wouldn't say that. I would  
2     say I haven't written about it, but that isn't  
3     the same as saying I have no scholarly  
4     research.

5           Q     Are professors in the habit of doing  
6     scholarly research that they don't publish?

7           A     Lots of professors do that, quite  
8     often in fact.

9           Q     Could you describe for me the  
10    scholarly research you claim to have done in  
11    the field of propaganda that you have not  
12    published?

13          A     Well, first of all, I have done a lot  
14    of reading relating to propaganda. You cannot  
15    read about the field of persuasion without  
16    dealing with the constant references to  
17    propaganda.

18                     So I think that most people who  
19    have read a lot about persuasion and all its  
20    forms have dealt with propaganda.

21                    So certainly in terms of my  
22    course work and my training and certainly in  
23    terms of my subsequent education, my going to  
24    panels and conferences and so forth, I have  
25    availed myself to lots of information related

1     to propaganda and the kinds of techniques are  
2     used and how that relates to the other kinds  
3     of persuasion that I have written about.

4                    Secondarily, as I went to Poland  
5     and I began to write about the discourse of  
6     advertising in Poland, I became interested in  
7     propaganda more specifically because that's  
8     something that the former communist  
9     governments used and used a lot. And there  
10    had to be some discussion about looking at  
11    what a discourse of legitimate advertising  
12    would look like versus a discourse of  
13    propaganda.

14                   While I did a significant  
15    substrate of research related to that, I  
16    wasn't specifically interested in writing  
17    about all communist propaganda. I was  
18    interested in writing about what a discourse  
19    of advertising would look like, but I had to  
20    do that work in order to write that paper.

21          Q     So the bottom line is you've read  
22    about propaganda and you've heard propaganda  
23    discussed at scholarly meetings, but you've  
24    never published any scholarly work in the  
25    field of propaganda. Is that a correct

1     statement?

2           A     What I'm saying is I have studied  
3     propaganda and I have done research related to  
4     propaganda, but I have not specifically  
5     written about propaganda.

6           Q     Describe for me, if you would, sir,  
7     all the studying about propaganda that you  
8     have done?

9           A     I have read about the propaganda  
10 campaigns used by Goebbels and Hitler.  
11                 I have read about propaganda  
12 campaigns and techniques used by the former  
13 communist governments.  
14                 I have read general books about  
15 propaganda persuasion such as Jowett and  
16 O'Donnell's. That's the most immediate one  
17 that comes to mind.  
18                 And I have read articles related  
19 to propaganda and about the history of  
20 coercion and social science research.  
21                 I have read articles related to  
22 propaganda as they relate to the particular  
23 things that I have written.  
24           Q     Reviewing the list of the documents  
25 that you have, the articles that you have

67

1     published, again, directing your attention to  
2 scholarly activity, I see one and maybe two  
3 articles that mention the word "advertising."  
4                 Are those the only articles that  
5 you have written about advertising in  
6 scholarly journals?  
7           A     Let's see here, I've discussed  
8 advertising in a recent chapter on Page 8  
9 where it talks about Persuasion In and By  
10 Organization. There's a whole section on  
11 advertising as there is public relations,  
12 et cetera.  
13                 Of course the next one deals  
14 with creating a discourse of advertising in  
15 Poland.  
16                 I think that the one with  
17 Carveth and Anderson on Recognition of  
18 Compliance Gaining Strategies in Advertising  
19 Messages, and it deals with consumer purchase  
20 intent.  
21                 Also in the one dealing with  
22 Communicating Capitalism: The Challenge of  
23 Eastern Europe. There's probably a discussion  
24 there, although I don't have specific recall  
25 of the article.

68

1                 I'm not certain whether or not  
2 that's discussed in the two '93 chapters a  
3 little further down that are singled authored.  
4 That's the best of my recollection.  
5           Q     Which of those articles do you  
6 believe would be found under a keyword search  
7 that included advertising?  
8           A     I couldn't tell you that.  
9           Q     What journals in your field of  
10 expertise do you currently subscribe to?  
11           A     I subscribe to the Quarterly Journal  
12 of Speech, Communication Monographs, Journal  
13 of Applied Communication Research, Text and  
14 Performance Quarterly, Western Communication  
15 Journal, Southern Communication Journal,  
16 Communication Studies, Communication  
17 Quarterly, Communication Reports, and

18 Communication Education. That may be it.  
19 Q Do you consider some of those  
20 journals to be of a higher quality than  
21 others?  
22 A Well, that's a difficult issue.  
23 The real issue is whether a  
24 particular article is of high quality or not,  
25 and of course we know that academic opinions

69

1 vary.  
2 I think some of those journals  
3 probably have more status or prestige. I  
4 don't know that I would argue that they  
5 consistently have better articles than some of  
6 the other journals.  
7 Q Which journals would you identify as  
8 having more prestige and status?  
9 A I would think that in part that would  
10 depend on the area you're in. But Quarterly  
11 Journal of Speech for people who write  
12 particularly in rhetoric is an important  
13 journal and one because it's one of the oldest  
14 in the profession. Communication Monographs  
15 and Journal of Communication Research, all of  
16 the ones that are really put out by the Speech  
17 Communication Association, Communication  
18 Education, all of those would be high status  
19 journals.  
20 Q As a scholar, it is your goal to have  
21 your personal research published in the  
22 highest quality journal. Is that a fair  
23 statement?  
24 A No, not actually.  
25 I think as a scholar, my goal is

70

1 to do high quality research. There are lots  
2 of instances where high quality research isn't  
3 necessarily put in journals, in high quality  
4 journals or in journals at all.  
5 There have been cases, for  
6 example, where new theories have been  
7 developed that journals don't want to accept,  
8 and those theories have later won Nobel prizes  
9 in areas such as physics.  
10 It's also the case in our field  
11 because it's grown so rapidly that we have  
12 lots of edited volumes, and lots of people  
13 would prefer in some cases to put their work  
14 in edited volumes rather than journals because  
15 that becomes focused and that allows people  
16 who really want to access that research to  
17 read it. And you're more likely to have the  
18 scholars in that area read it if you put it in  
19 an edited volume than you might be if you put  
20 it in a journal which is more generalized,  
21 such as Communication Monographs, and that  
22 article might be obscured.  
23 So it's not always the case that  
24 people want to be in particular journals.  
25 Q Have you ever sat on a tenure or

1 promotion board of any of the institutions  
2 you've taught at?

3 A Yes.

4 Q One of the things you look at in a  
5 candidate for promotion or tenure's file is  
6 their publications and scholarly research;  
7 correct?

8 A That is correct.

9 Q When you're sitting there evaluating  
10 a candidate for promotion or tenure, don't you  
11 personally judge the quality of the journals  
12 the candidate's research has been published  
13 in?

14 A That is a minor consideration.

15 In part what you're interested  
16 in is your own reading of the particular  
17 article and whether you think it's a  
18 particularly good piece of work or not because  
19 we recognize that sometimes somebody can do a  
20 good piece of work and that will only be  
21 recognized later.

22 So first and foremost, I rely on  
23 my own professional judgment of that work.

24 Secondly, we also invite outside  
25 reviewers to look specifically at those

1 articles, and we're interested in what their  
2 opinions are of those particular articles, and  
3 that probably is more important than which  
4 journal that it is put in.

5 Third is in our particular  
6 discipline the rejection rates for our  
7 journals run between eighty-five and  
8 ninety-five percent. So there is a full  
9 expectation that a lot of good research is not  
10 going to hit those journals simply because of  
11 the limited number of journal space.

12 I think that consequently while  
13 that has some weight, it is probably minor  
14 compared to the opinions of the experts and my  
15 own personal opinion.

16 Q Given the choice, you would prefer to  
17 publish your scholarly research in the  
18 journals with the highest stature; would you  
19 not?

20 A Not necessarily. It depends on whom  
21 the audience is that I want that particular  
22 piece to be read by.

23 For example, if I want to  
24 publish material that I specifically want  
25 people in Poland to see, then publishing in

1 United States journals isn't necessarily going  
2 to do that for me.

3 If I want to publish in a book  
4 that I want to influence people say in the  
5 continent of Africa, then I'm not necessarily  
6 going to publish in a journal in the United  
7 States.

8 Further, if I want to publish in

9 a text or a book where I want to specifically  
10 reach undergraduates and I want to make sure  
11 they read it, then journals would not be the  
12 appropriate means.

13 If I want to publish in a  
14 particular area and I want a defined volume  
15 that I know people in that area are likely to  
16 read because that particular volume will be  
17 considered important considering who's  
18 aggregated in that volume, then I won't  
19 necessarily want to publish in a journal.

20 Aside from that, of course I  
21 want some journal publications because we know  
22 that that is a market for some people, but I  
23 think that's something that has slowly evolved  
24 and changed at least in our discipline, and I  
25 think that's spreading across the academy.

74

1 Q Your Polish experience is somewhat  
2 unique for academics at IPFW; is it not?

3 A To be honest, I don't fully know  
4 about that because I've only been there a year  
5 and a half. I know that there are some other  
6 academics there who have gone to Poland. But  
7 I think at least in my department it's unique.

8 Q So let's exclude publications for the  
9 Polish market.

10 Would you not prefer to have  
11 your communication, scholarly research,  
12 published in the highest quality journal  
13 possible?

14 A I think actually I would like to have  
15 my best research published by a university  
16 press, that that would give me a chance to  
17 write a more full length piece of work, and  
18 that would probably be a better venue.

19 I think books are becoming more  
20 important.

21 Journals are very much a focus  
22 of social scientific kinds of biases. When we  
23 want a more substantive kind of study, we have  
24 a tendency to go to books.

25 So that's probably where I would

75

1 really like to have my work more so than  
2 journals.

3 Q Would you agree that state  
4 communication association journals are  
5 probably the lowest level of the hierarchy of  
6 journals in your field of expertise?

7 A I think that's probably the case.

8 MR. PURVIS: Why don't we take a  
9 short break. It's been about an hour and  
10 fifteen minutes.

11 THE VIDEOGRAPHER: The time is  
12 10:43 a.m., and we are going off the record.

13 (WHEREUPON a recess was  
14 taken.)

15 THE VIDEOGRAPHER: The time is  
16 11:01 a.m., and we are now commencing the  
17 deposition.



18 BY MR. PURVIS:

19 Q Professor, could you pick up  
20 Deposition Exhibit No. 2, your CV again. I  
21 have a couple more questions I wanted to ask  
22 you.

23 I'd like to direct your  
24 attention to Page 2 where you have a category  
25 entitled Business Employment History.

76

1 Since 1982 it appears you have  
2 listed at the top category a series of outside  
3 consultations, and by that I mean not your  
4 university work; is that correct?

5 A Correct.

6 Q What type of consulting do you do for  
7 business, education, government, healthcare,  
8 labor unions, and associations?

9 A Well, the general description is  
10 right there, that it's included strategic  
11 planning, organizational structuring,  
12 managerial development, negotiation  
13 performance assessment, communication  
14 analysis, system design, and skills training.  
15 I think those would be the general terms.

16 Specifically for different  
17 organizations I've done different kinds of  
18 work that run the gamut of human communication  
19 related to organizations.

20 Q What is strategic planning as set  
21 forth here on your CV?

22 A Strategic planning in the sense I'm  
23 talking about is often times meeting with a  
24 board or senior management to help develop a  
25 strategic plan, a plan for activity, in terms

77

1 of goals and objectives and how they're going  
2 to achieve that over the next year or five  
3 years, depending on the nature of that  
4 particular plan.

5 Q Would this consultation be on a  
6 one-to-one basis with upper management people  
7 in a corporation typically?

8 A It might be, or it might be in a  
9 group setting.

10 Q What is organizational structuring?

11 A With some organizations I've  
12 discussed with them issues about restructuring  
13 their organization so that report structures  
14 change and the fundamental structure of the  
15 organization changes.

16 Q Would that involve realigning the  
17 internal communication procedures of a  
18 corporation?

19 A Probably.

20 Q The next category of consultation is  
21 managerial development. What does that  
22 involve?

23 A I have on occasion worked with people  
24 to help them develop the skills that they need  
25 to assume a managerial position or have worked

1 with people who are managerial positions to  
2 improve the quality of their performance so  
3 that they can work better in the company and  
4 in the execution of their duties.

5 That could include both how they  
6 work with people or how they execute their  
7 specific duties, depending on the nature of  
8 that individual and what the company needs.

9 Q The next category is negotiation.  
10 What does that involve?

11 A I have worked with organizations as  
12 they have negotiated with other organizations,  
13 as they have negotiated with customers, as  
14 they have been involved in labor negotiations  
15 between managements and unions, and I have  
16 also worked with unions as they have  
17 negotiated with management.

18 Q What is performance assessment as set  
19 forth on Page 2 of your CV?

20 A Performance assessment may apply to  
21 individuals in terms of looking at how well  
22 particular people are performing in their  
23 duties or how well they are working with other  
24 people.

25 It may be the performance of a

1 unit, how well is the unit working or  
2 interfacing with the units outside of that  
3 unit, how well is the unit performing their  
4 particular job.

5 Basically performance assessment  
6 is, whether it's an individual, a unit, or a  
7 division, how well are they doing what they  
8 need to be doing against some specified  
9 criteria of goals and objectives.

10 Q The next category of consultation you  
11 have is communication analysis and system  
12 design.

13 What does that involve?

14 A It involves analysis of  
15 communication, it may be internal  
16 communication, it may be external  
17 communication, it may be communication between  
18 particular individuals, it may be  
19 communication of the organization with its  
20 publics, it may be communication with the  
21 organization and its customers.

22 And how do they structure those  
23 in terms of whether they're written, whether  
24 they're face-to-face. If they are written or  
25 face-to-face or they're in the media, how do

1 those things get structured so that they are  
2 effective for people.

3 It may involve the design of  
4 some kind of written message, or it may  
5 involve the design or discussion of how an  
6 interaction might occur with a client or with  
7 people inside, depending on the communication  
8 needs.

9 Q The final category of consulting work  
10 listed on your CV is skills training.

11 What does that involve?

12 A That involves helping people with  
13 specific kind of skills. It might be  
14 presentations skills as in public speaking.  
15 It might be skills as in selling if you're  
16 going to be a salesperson. It might be skills  
17 related to interacting with people who report  
18 to you. It might be skills in interacting  
19 with your peers. It might be skills related  
20 to your ability to operate within in a  
21 diversity-friendly framework where people need  
22 to interact in a way that is respectful of  
23 people that are different from them and  
24 incorporate that kind of thinking in how they  
25 go about doing their job.

81

1 Q Have you ever designed an advertising  
2 campaign for a consumer product?

3 A I've been involved. I've never  
4 exclusively did it myself. I usually tend to  
5 work with the people in the organization to  
6 design those kind of campaigns.

7 Q Could you tell me every instance  
8 where you have been involved in the planning  
9 of an advertising campaign for a consumer  
10 product?

11 A I don't know that I can recall every  
12 instance.

13 Let's see here, one particular  
14 example I worked with an organization that had  
15 developed their own product. It was a  
16 sparkless lighter. And helped them talk about  
17 where the outlets they were going to put their  
18 ads and what would be in the ads. We dealt  
19 with attorneys related to copyright issues  
20 related to the naming of the product and all  
21 of those issues in terms of putting it on the  
22 market.

23 Q What was the name of that product?

24 A Because we had some discussion with  
25 another firm, and it's been maybe several

82

1 years since I did that, I think it was Safety  
2 Light, but it might have been something else.  
3 To be honest, I don't recall.

4 Q What was this product designed to  
5 light?

6 A It was designed to light anything  
7 that might need to be lighted in an  
8 environment where you didn't want a spark. I  
9 don't actually know what people were going to  
10 light with it.

11 Q This wasn't like a cigarette lighter.  
12 It was an industrial product?

13 A It was an industrial product, yes.

14 Q So that wasn't really a consumer  
15 product?

16 A Well, I don't know. Like I say, I  
17 don't know what they lit with it, so, you

18 know, from my point of view if somebody else  
19 is using it, they're consuming the product.  
20 From a communication  
21 perspective, there's really not a big  
22 difference there. I understand this sort of  
23 business terminology there. But for me  
24 that's, you know, customers were going to buy  
25 the product and they were going to use it for

83

1 whatever purposes they saw fit.  
2 Q Did you consult on where the  
3 advertising for this product would be placed?  
4 A Yes, I did.  
5 Q Where were you recommending that it  
6 be placed?  
7 A To the best of my recollection, we  
8 included trade journals and we included  
9 letters to corporations that we knew might be  
10 using these kind of products. Beyond that, I  
11 don't recall.  
12 Q Did you design the advertising copy  
13 for that product?  
14 A I don't believe I designed the  
15 advertising copy. I simply sat in discussion  
16 with other people in approval of that copy.  
17 Q What other instances can you recall  
18 where you participated in the design of an  
19 advertising product, advertising campaign for  
20 a consumer product?  
21 A There was a case in Poland where I  
22 helped a firm design their first advertisement  
23 to encourage people to subscribe to magazines  
24 because before the fall of the communist party  
25 they didn't have magazine subscriptions.

84

1 So this particular firm wanted  
2 to develop an advertising campaign to convince  
3 people that they should subscribe to the  
4 magazines, and they developed a framework for  
5 doing that.  
6 Q Are you currently married, sir?  
7 A Yes.  
8 Q What is your wife's name?  
9 A Susan.  
10 Q Where does she work?  
11 A She's self-employed.  
12 Q What level of education does she  
13 achieve?  
14 A She has a Ph.D., an MSW, an MA, and  
15 BA.  
16 Q Has she ever taught at any of the  
17 universities where you've taught?  
18 A Yes.  
19 Q Which ones would those be?  
20 A She taught at Bowling Green State  
21 University. She taught one, maybe two,  
22 courses at Central Connecticut State  
23 University. And she has taught courses at  
24 IPFW.  
25 Q Sir, do you consider yourself to be

1 an expert in lobbying activities?

2 A I have knowledge of lobbying  
3 activities, yes.

4 Q Sir, you have knowledge about a lot  
5 of things.

6 Do you consider yourself to be  
7 an expert in the field of lobbying?

8 A Yes. I believe I have expertise  
9 about lobbying.

10 Q On what do you base that claim of  
11 expertise?

12 A First of all, I learned a lot about  
13 lobbying in some of the courses I've had in  
14 school, in all of my degree work.

15 I've also been to conference  
16 presentations where people have talked about  
17 lobbying. And I've also been to conference  
18 presentations where lobbyists have come and  
19 discussed the nature of the work and the  
20 issues involved and how they link with the  
21 literature and communication.

22 I've also had opportunities to  
23 read about lobbying and to discuss things with  
24 lobbyists in preparation for talking about  
25 lobbying in the courses that I've thought.

1 Q What courses did you take that dealt  
2 with lobbying?

3 A Organizational Communication would  
4 have dealt with lobbying. On the  
5 undergraduate level when I had courses in  
6 state and local government, when I had courses  
7 related to legislative function, those dealt  
8 with lobbying. There may be others, but I  
9 don't recall at the moment.

10 Q On several subjects I've asked  
11 whether you consider yourself to be an expert,  
12 and when you respond affirmatively you seem to  
13 indicate that if you have read about the  
14 subject or gone to a conference on the subject  
15 you are an expert on the subject; is that  
16 correct?

17 A There are a variety of ways to  
18 develop expertise. Certainly people can go to  
19 school to learn to develop expertise.

20 One of the ways people get  
21 expertise in law is to go to law school. One  
22 of the ways people get expertise in human  
23 communication is to go to school and study  
24 human communication. So in that sense I think  
25 that that's one avenue.

1 I think the second is having a  
2 Ph.D., that's a research degree. And what  
3 that's saying is that I'm a professional  
4 researcher, that I know how to investigate, I  
5 know how to understand, and things  
6 particularly with respect to human  
7 communication.

8 Then I think another way we can

9 develop expertise is to do the specific  
10 research within that that helps to help us  
11 teach courses.  
12 I also think that we can develop  
13 expertise by one of practical experience.  
14 And as you can tell from my  
15 Vitae, I've worked very hard in a wide variety  
16 of arenas to develop expertise in a broad  
17 array of areas because that's how I've chosen  
18 to develop my career. And I've created I  
19 think both breadth and depth in a variety of  
20 areas. I've worked very hard to develop that,  
21 and I worked very hard to maintain that.  
22 Q What additional work have you done  
23 other than taking a couple of classes that may  
24 have mentioned lobbying that you feel  
25 qualifies you to say you're an expert in

88

1 lobbying?  
2 A I have read several articles over the  
3 course of my career related to lobbying.  
4 I had to read some articles to  
5 do background research for the chapter I just  
6 wrote where I discussed lobbying to some  
7 degree.  
8 I've also been acquainted at  
9 times with lobbyists. I've had interns who  
10 have been lobbyists or worked for lobbyists in  
11 state legislatures.  
12 I've had former students who  
13 have been lobbyists who've talked with me  
14 about these issues of lobbying.  
15 And I've also been involved in  
16 activities that are on the periphery related  
17 to lobbying.  
18 So I feel on the basis of those  
19 investigations that I have a substantial  
20 knowledge of lobbying.  
21 Q Professor, do you feel you are an  
22 expert in the field of lobbying as opposed to  
23 having expertise in the field of lobbying?  
24 A Could you please clarify how you're  
25 drawing that distinction?

89

1 Q Do you feel that you have studied  
2 substantially in the field of lobbying such  
3 that you should be consulted by people who  
4 desire to know all aspects of the subject of  
5 lobbying?  
6 A I think if a lobbyist were to come to  
7 me and ask for my expertise, that I could  
8 offer them expertise that they would find  
9 valuable and that they would be willing to  
10 both pay for and use in their practice.  
11 Q Has a lobbyist ever come to you and  
12 asked for your expertise in the field of  
13 lobbying?  
14 A On an informal basis, yes.  
15 Q Have they paid you for it?  
16 A No.  
17 Q Professor, could you please tell me

18 all industries that you have studied to see if  
19 they are engaged in propaganda?  
20 A That seems a variation on the  
21 question we had before.  
22 I can tell you that I have  
23 specifically focused my efforts at this point  
24 on the tobacco industry.  
25 I still haven't drudged up from

90

1 my memory any other industries that I have  
2 particularly looked at. I'll still try to  
3 think about that throughout the day for you.  
4 Q So it's only the tobacco industry  
5 that you've ever studied with respect to  
6 propaganda. As you sit here today, you can  
7 recall no others?  
8 A Please, that's not what I said. What  
9 I said is that's what I have been specifically  
10 focused on at the moment, and I don't have a  
11 particular recall of an industry that I've  
12 looked at in the past. As I think about that,  
13 I'll get back to you.  
14 Q Earlier we established that Professor  
15 Carr is a co-faculty member with you; is that  
16 correct?  
17 A That is correct.  
18 Q He attended the first meeting in  
19 Chicago with you with the Ness Motley  
20 attorneys; is that correct?  
21 A That is correct.  
22 Q Is he senior or junior to you?  
23 A He is junior to me.  
24 Q Do you have any other relationship  
25 with Professor Carr besides your professional

91

1 relationship of being co-faculty members?  
2 A What type of relationship would you  
3 be implying?  
4 Q Are you in business together? Do you  
5 have joint consultations, things such as that?  
6 A The answer is no.  
7 Q Have you published with Professor  
8 Carr?  
9 A No. I have not.  
10 Q Do you believe he has expertise in  
11 the field of propaganda?  
12 A Yes, I do.  
13 Q Do you believe his expertise is  
14 greater than yours?  
15 A Since we haven't discussed  
16 extensively our relative areas of expertise, I  
17 can't honestly answer that.  
18 Q Are all propaganda campaigns  
19 successful?  
20 A I don't know the answer to that.  
21 Q Are all public relations campaigns  
22 successful?  
23 A I don't know the answer to that  
24 either.  
25 Q Are all education campaigns

1 successful?

2 A I don't know the answer to that  
3 either.

4 Q How do you measure the effectiveness  
5 of a propaganda campaign?

6 A There are different ways one might go  
7 about evaluating the successfulness of a  
8 public relations campaign.

9 I think that one of course is  
10 that you can measure it by the goals and  
11 objectives of the people who are waging the  
12 public relations campaign.

13 You can also judge the  
14 effectiveness of it by the goals and  
15 objectives of people who might be opposed to  
16 that particular public relations campaign.

17 Or you can gauge the goals and  
18 objectives of it by some kind of esthetic  
19 criteria that might look at it irrespective of  
20 whether it has any kind of practical  
21 functionality or not.

22 There are probably other ways,  
23 but those would be three ways that you could  
24 do that. Is there one in particular you're  
25 interested in?

1 Q Which would you use to evaluate the  
2 effectiveness of a propaganda campaign?

3 A It would depend on my purposes.

4 Q Have you ever used any of these  
5 criteria to evaluate a propaganda campaign?

6 A Yes.

7 Q Could you tell me about that?

8 A Well, with respect to the tobacco  
9 propaganda campaign, I think there's evidence  
10 that they have been successful at various  
11 points from their point of view.

12 I read one article, for example,  
13 that somewhere, I forget the name of the  
14 author, but it said that the campaign that  
15 they had waged had been brilliantly conceived  
16 and executed, and I think that would suggest  
17 that that person felt that their campaign was  
18 highly successful.

19 So, you know, from that point of  
20 view, I think you could argue that it was  
21 successful.

22 Q Are these criteria for the evaluation  
23 of the effectiveness of propaganda campaigns  
24 published in any literature that you're aware  
25 of?

1 A There are varying literatures about  
2 how you evaluate persuasive campaigns in  
3 general, of which propaganda is a term that we  
4 use sometimes interchangeably with persuasion,  
5 sometimes not, depending on the particular  
6 author.

7 There are various criteria by  
8 which we evaluate rhetoric. There's a



9 substantial body of literature that looks at  
10 different modes of rhetorical analysis and  
11 different modes of persuasive campaign  
12 analysis. We teach whole courses on that, and  
13 I'll be happy to talk about that for several  
14 hours if you're interested.

15 Q Other than reevaluating the  
16 effectiveness of what you consider to be the  
17 tobacco industry's propaganda campaign, have  
18 you ever evaluated a propaganda campaign for  
19 any other industry?

20 A I have not been called upon to do so  
21 in this kind of capacity. As we stated at the  
22 outset, this is the first time I've been  
23 involved in this kind of situation.

24 I have evaluated propaganda  
25 campaigns for purposes of teaching, but that's

95

1 a different situation. Probably the primary  
2 one that we tend to use because students find  
3 it fascinating is the one that was launched by  
4 the Nazi party in the 1930s in Germany.

5 Q So it's a correct statement that your  
6 evaluation of the effectiveness of the claimed  
7 propaganda campaign by the tobacco industry is  
8 the first time you've ever done this?

9 A No. That's not what I said. What I  
10 said is that this is the first time I've done  
11 this in this particular kind of situation.

12 I have looked at other  
13 propaganda campaigns for purposes of teaching.  
14 And when we teach, sometimes we look at the  
15 esthetic values because we're interested in  
16 looking at a sort of rhetorical eloquence, if  
17 you will, of the people involved.

18 There are a lot of people, for  
19 example, that will look at a particular  
20 speaker and say I disagree with everything  
21 that speaker says but I think that speaker has  
22 an eloquent style, is very good at delivering  
23 their particular message. So you have an  
24 esthetic value there that you would look at.

25 At the same time when you look

96

1 at a particular campaign, you ask yourself is  
2 it successful or is it a failure, and the  
3 issue there is, you know, whose definition of  
4 success or failure are you dealing with.

5 So like in the example I gave  
6 with the tobacco industry, there are tobacco  
7 executives who felt that their campaign was  
8 successful.

9 There might be other people who  
10 feel like to the extent that it's successful  
11 they would define that as a failure who would  
12 have a different way of looking at that.

13 Q My question is have you ever reviewed  
14 company documents to evaluate the  
15 effectiveness of a claimed propaganda campaign  
16 for any industry other than the tobacco  
17 industry?

18 MR. BERLY: Objection. You've asked  
19 that. He's answered it. He's told you this  
20 is the first time he's ever served as an  
21 expert witness and has testified, but that he  
22 has evaluated propaganda campaigns such as the  
23 Nazi Germany campaign.  
24 BY MR. PURVIS:  
25 Q Did you read any of Hitler's

97

1 documents to evaluate the Nazi Germany  
2 campaign?  
3 A I have read translations of those  
4 documents, and I've also seen movie clips of  
5 his speaking. I've seen movie clips of his  
6 advertisements. I have a copy of some of the  
7 Signal magazine that was produced by the Nazis  
8 that was spread throughout Europe in World  
9 War II which was part of their propaganda  
10 machine and many other artifacts related to  
11 the propaganda campaign, yes.  
12 Q Any other instances where you have  
13 reviewed the underlying documents of an  
14 industry or an organization to determine  
15 whether an alleged propaganda campaign has  
16 been effective?  
17 A I'll be happy to stand by on the  
18 answer that I've already given with that.  
19 Q You've told me about Hitler and  
20 you've told me about the tobacco industry.  
21 Are there any other instances  
22 where you have evaluated underlying documents  
23 to determine whether their claimed propaganda  
24 campaign has been successful?  
25 A I have looked at some underlying

98

1 documents that the former communist government  
2 in Poland used in some propaganda campaigns  
3 that they had. So, yes, I have looked at  
4 documents related to that.  
5 In terms of have I ever been  
6 involved in an industry in a situation such as  
7 this, the answer is no.  
8 Q Do you believe everything you read,  
9 sir?  
10 A No. I do not.  
11 Q Could I direct your attention to the  
12 third document in front of you, which is a  
13 single page document which is entitled Expert  
14 Disclosure, John Parrish-Sprowl, Ph.D., at the  
15 top.  
16 Do you have that in front of  
17 you, sir?  
18 A Yes, I do.  
19 Q Did you prepare this document?  
20 A No.  
21 Q Have you seen this document before  
22 today?  
23 A Yes, I have.  
24 Q When did you first see it?  
25 A Let's see here, I spoke with someone,

1 again their name I don't recall. They asked  
2 me what kind of information should go in such  
3 a document. I told them what I thought. They  
4 faxed me a copy of the document and asked me  
5 if I wanted to make any changes or any  
6 corrections, and then I faxed back a copy of  
7 the document that I was satisfied with. And  
8 then my understanding is it was filed, and it  
9 must have been because here we have it.

10 Q Do you have a copy of the changes you  
11 made and faxed back to the Ness Motley firm?

12 A I made no changes, so there's no copy  
13 of it.

14 Q Then why did you say you faxed  
15 something back to the Ness Motley firm?

16 A Well, they said fax, they asked me,  
17 on the message it said fax back and it was  
18 unclear whether they only wanted it faxed if  
19 there were changes or if they just wanted it  
20 faxed back period indicating I didn't want  
21 changes. And just to make sure, I faxed it.

22 Q Was this an instance where someone  
23 from the Ness Motley firm called you on the  
24 telephone, read you a draft expert statement,  
25 and then sent you a copy of it to review?

1 A No.

2 They sent me, they faxed me the  
3 copy. I mean we had a discussion on the phone  
4 about what should go in the copy, and I told  
5 them things that I thought. Then they sent me  
6 a faxed copy with the instructions that I  
7 should either, that I had a choice to leave it  
8 as is, to make any particular changes I  
9 wanted, and then to send back a copy of my  
10 final statement.

11 So from that injunction, I felt  
12 that I should send back a copy of the  
13 statement, even though I made no changes.

14 Q Do you and Professor Carr agree on  
15 everything?

16 A I don't know.

17 Q Do you and Professor Carr have  
18 exactly the same opinions about propaganda in  
19 this case?

20 A I don't know.

21 Q Would you be surprised if you  
22 differed in your opinions at all?

23 A That's difficult to say because we  
24 really haven't spent much time discussing it,  
25 so I don't really want to speak for the

1 opinions that Dr. Carr has since I haven't  
2 talked with him about his opinions.

3 Q You said you haven't spent much time  
4 discussing it. How much time did you spend  
5 discussing it with Dr. Carr?

6 A We probably spent maybe a total of an  
7 hour or two talking about this.

8 Q Would this have been at the meeting

9 with the attorneys in Chicago, or was this  
10 outside of that meeting?  
11 A Well, when we had that meeting, we  
12 really didn't talk with each other. We didn't  
13 sit near each other at the table. I left  
14 before he did, so I didn't talk with him after  
15 that. So this would be outside of that.  
16 Q What did you say to Dr. Carr about  
17 this whole process?  
18 A Well, after receiving the initial  
19 phone call, Dr. Carr and I did sit down and  
20 talk about, well, what would an analysis need  
21 to look like, and we talked about needing to  
22 look at social science data, needing to look  
23 at rhetorical data, and looking at a  
24 full-blown kind of analysis of documents.  
25 That was before we actually had any documents.

102

1 So we talked about what the  
2 nature of an analysis might look like, but  
3 what we didn't really talk about was what the  
4 substance of our analysis would be because we  
5 hadn't seen anything at that point.  
6 Q When did you become aware that  
7 Professor O'Donnell was being considered as a  
8 possible expert in this case on propaganda  
9 issues?  
10 A When I met her at that meeting.  
11 Q Did you talk to her at that meeting  
12 about the subject of propaganda?  
13 A I didn't directly talk with her. It  
14 was just all in the general milieu of  
15 discussion.  
16 Q Have you talked to her since that  
17 meeting?  
18 A No. I have not.  
19 Q Have you talked to Patrick Allen  
20 since that meeting?  
21 A At a subsequent meeting, I spoke with  
22 him but not too much directly about the case.  
23 Mostly about practical matters like which way  
24 is the restroom.  
25 Q When you say "at a subsequent

103

1 meeting," do you mean the second meeting in  
2 Chicago?  
3 A Correct.  
4 Q Who else was present besides Patrick  
5 Allen and yourself at that meeting?  
6 A Let's see here, there was Andy Berly,  
7 and there was another attorney named Wayne and  
8 Theresa. There were some other folks from  
9 their firm milling around, but they weren't  
10 part of our meeting.  
11 Q But you and Patrick Allen were the  
12 only experts that attended that meeting?  
13 A Correct.  
14 Q Could I direct your attention to  
15 Exhibit No. 3 and to the middle of the first  
16 paragraph. It says, and I quote,  
17 "Dr. Parrish-Sprowl has taught numerous

18 graduate and undergraduate level communication  
19 courses specializing in marketing, corporate  
20 and mass media communications."  
21 Do you see that?  
22 A Uh-huh.  
23 Q Did I read that correctly?  
24 A Sure.  
25 Q Identify for me, if you will, the

104

1 courses in communication that specialized in  
2 marketing?  
3 A Well, probably what I'd say about  
4 that is that there's a multi-tiered answer to  
5 that.  
6 One is that I have dealt with  
7 issues of marketing and corporate and mass  
8 communications in several courses. Mass Media  
9 Effects and Intro to Mass Media would be two  
10 courses that dealt directly with mass  
11 communications.  
12 I've also been involved in  
13 teaching courses in corporate communications.  
14 That was a title that may have been left off  
15 of my Vitae.  
16 There are other courses that  
17 I've taught that have been left off my Vitae  
18 as well, and for that I apologize.  
19 I also, and I think it's  
20 indicated in my Vitae, used to be part of a  
21 marketing department. I also taught courses  
22 in the marketing department when I was at  
23 University of Connecticut.  
24 Furthermore, when I was in  
25 Poland, I helped set up the first

105

1 communication degree program there. I gave a  
2 series of lectures at the Institute of  
3 Sociology as well as conducted a research  
4 seminar with the impending faculty for  
5 communication at the Polytechnical of Wroclaw.  
6 In all of those cases, we talked  
7 about marketing and mass media and corporate  
8 communication in great lengths since those are  
9 fairly new topics to be discussed in the  
10 Polish context.  
11 Q Does IPFW have a marketing  
12 department?  
13 A Yes, we do.  
14 Q You're not in that department; are  
15 you, sir?  
16 A No, I'm not.  
17 Q Did Central Connecticut State  
18 University have a marketing department?  
19 A Yes, they did.  
20 Q And you were not in that department;  
21 were you?  
22 A No. I was not.  
23 Q Did the University of Hartford have a  
24 marketing department?  
25 A Yes, they did.

1 Q And you were not in that department;  
2 were you?

3 A No. I taught in their management  
4 department but not in their marketing  
5 department.

6 Q And the University of Connecticut, it  
7 presumably had a marketing department; didn't  
8 it?

9 A It did, and I did teach in the  
10 marketing department there.

11 Q But your appointment was in the  
12 communication school?

13 A Right.

14 Q A completely different department;  
15 correct?

16 A Correct.

17 Well, I have to say that part of  
18 the thing that's unique there is that I went  
19 to the University of Connecticut because they  
20 had just developed a Ph.D. in marketing  
21 communication, and I was hired to teach  
22 courses core to the marketing communication  
23 degree, which was a joint effort between the  
24 marketing department and the communication  
25 department.

1 So when we taught courses at the  
2 graduate level, we had students from both the  
3 marketing department and communication  
4 department in those particular classes.

5 Q It's possible to have a joint  
6 appointment in two different departments;  
7 isn't it?

8 A Yes, it is.

9 Q You've never had a joint appointment  
10 in communication and marketing; have you?

11 A That was discussed, and I would have  
12 at the University of Connecticut but I left  
13 before that was consummated.

14 Q Who did you discuss that with?

15 A The department chair of marketing,  
16 whom I believe was Sue Bastian, and the  
17 department chair of communication who at the  
18 time was Jay Larmen.

19 Q You mentioned in your last answer  
20 that perhaps there were courses that you had  
21 left off of your CV which involved teaching in  
22 marketing.

23 Can you list for me, and if you  
24 have to refer to Exhibit No. 2 to do so, every  
25 course you claim involved the teaching of

1 marketing principles on your CV or that comes  
2 to mind?

3 A Well, in my organizational  
4 communication class we talked about marketing  
5 principles to some degree. In sales  
6 management we talked about marketing  
7 principles to some degree.

8 In personal sales we talked

9 about marketing principles to some degree. In  
10 consumer behavior we talked about marketing  
11 principles to some degree.

12 Let's see here, in marketing  
13 communication strategies we talked about  
14 marketing principles to some degree.

15 In health communication we  
16 talked about marketing principles to some  
17 degree. In communication rehabilitation we  
18 would talk about marketing principles to some  
19 degree.

20 I apologize if I've left  
21 anything off.

22 Q You used the phrase repeatedly "to  
23 some degree."

24 Could you go over that list  
25 again and give me an estimate of the course

109

1 content that dealt with marketing principles,  
2 just your best estimate of the percentage?

3 A Frankly, I would have to go back and  
4 look at the syllabi I prepared for those  
5 courses because I've taught different courses  
6 in different ways. And in order to give you a  
7 fair and honest estimate, I'd have to look at  
8 the syllabus and look at what I planned to  
9 lecture on in order to tell you in a more  
10 precise answer.

11 The second problem with that is  
12 that as you talk about marketing principles,  
13 sometimes it's an issue of labeling.

14 For example, if you're talking  
15 about a theory of cognitive dissonance, that  
16 gets talked about in marketing. It also gets  
17 talked about in persuasion courses.

18 So you're dealing with the same  
19 theory. You're dealing with the same  
20 researchers. You're dealing with the same  
21 studies. You're dealing with the same  
22 conclusions. But you may talk about it in  
23 terms of the context of different examples.

24 So even though, you know, I have  
25 a situation you can say, well, was that

110

1 marketing or was that persuasion. The answer  
2 is it's both. And because there's an overlap  
3 of that kind of content, it's difficult to  
4 give a precise percentage because that would  
5 imply a demarcation between those two and that  
6 demarcation can't always be made because of  
7 the overlap of social science and humanistic  
8 definitions of those terms.

9 Whether you're dealing with  
10 psychology or sociology or communication or  
11 management or marketing, you're dealing with  
12 the study of human behavior. So there's  
13 necessarily a lot of overlap. But as people  
14 get put in different disciplinary departments,  
15 they often times develop different terminology  
16 for dealing with these issues.

17 So I don't want to overstate or

18 understate the claim, but I want to suggest  
19 that when we're talking about persuasion,  
20 quite often we're talking about marketing and  
21 quite often I'm going to use marketing  
22 examples. But I certainly could use other  
23 examples in persuasion, and I sometimes do  
24 that as well.

25 So to tell you which example I

111

1 used in which lecture would be a very  
2 difficult thing for me to do, but I can tell  
3 you I frequently use a variety of marketing  
4 examples as well as talk about the four Ps of  
5 marketing and other aspects of the principles  
6 of marketing.

7 Q You would agree, would you not, that  
8 in none of the courses you've enumerated here  
9 was marketing more than fifty percent of the  
10 course content?

11 A Well, no, I wouldn't agree with that.  
12 In Marketing Communication  
13 Strategies, I think the title of the course  
14 speaks for itself.

15 I also think that consumer  
16 behavior is very clearly a marketing course,  
17 and it deals with a substantial degree of  
18 marketing activity.

19 What you have a tendency to do  
20 is to talk about advertising and public  
21 relations and other sorts of communication  
22 that come from organizations from the consumer  
23 point of view and what's the impact of  
24 consumer behavior.

25 So very clearly you're talking,

112

1 you know, in most respects a hundred percent.  
2 In fact, I think the chair's marketing  
3 department would be offended if they thought  
4 that their courses didn't deal with marketing.  
5 So no, that wouldn't be the case.

6 Q But you haven't taught consumer  
7 behavior for over five years; have you?

8 A I have taught elements of that.

9 In other words, again, when you  
10 deal with consumer behavior, you're often  
11 times dealing with models of attitude change  
12 and models of persuasion, and those are going  
13 to be the same content that's going to be in a  
14 persuasion course in communication.

15 It's that the persuasion course  
16 in communication may have a broader array of  
17 examples than those that we might find in  
18 marketing, but the theoretical precepts may  
19 well be fundamentally the same depending on  
20 how the syllabus was structured for that  
21 particular course at that particular time.

22 Q Have you ever met Leon Festinger?

23 A No. I have not.

24 Q Could you explain for the record who  
25 he is?



1           A     Leon Festinger in 1957 wrote a book  
2     called The Theory of Cognitive Dissonance, and  
3     he's most well known for that particular  
4     theory and the research that subsequently  
5     derived from the study of the theory of  
6     cognitive dissonance.

7           Q     What is your view on the theory of  
8     cognitive dissonance?

9           A     The theory of cognitive dissonance is  
10    probably one of the most heuristic studies in  
11    all the social science research and  
12    persuasion. It spawned by the early '70s well  
13    over five hundred studies, which was unusual  
14    at that particular point in time, and we've  
15    had studies since then I think that in that  
16    sense it's been extremely important.

17                It was also perhaps a more  
18    complex formulation of some earlier research  
19    that we had in terms of congruity theory and  
20    balance theory. Balance theory being by  
21    Heider, and congruity theory being by Osgood,  
22    Succi, and Tannebaum.

23                Well, as Festinger detailed the  
24    theory of cognitive dissonance, that was  
25    appealing to people. That has since come

1     under fire by a lot of social scientists in an  
2     array of fields because they felt that for one  
3     thing it was difficult to falsify hypotheses  
4     in the research, and therefore, it made it a  
5     difficult theory to do research with. And  
6     secondly, people began to develop theories of  
7     a more complex nature trying to understand the  
8     workings of the persuasion process in whatever  
9     context that we're talking about.

10           Q     Would you agree that cognitive  
11    dissonance is a post-purchase phenomenon?

12           A     Not necessarily.

13           Q     Do you plan to rely on the theory of  
14    cognitive dissonance in any way in rendering  
15    your opinions in this case?

16           A     To the best of my recollection at the  
17    moment, I don't think that's going to be my  
18    primary basis for making my judgment, no.

19           Q     Again, directing your attention to  
20    Parrish-Sprowl Deposition Exhibit No. 3, does  
21    this document fully and completely set forth  
22    the opinions you expect to give in this case?

23           A     To the best of my understanding at  
24    this time, yes.

25           Q     Could I direct your attention to

1     Point No. 1, which says you are expected to  
2     testify regarding quote "explanation of  
3     propaganda and the study of propaganda and  
4     rhetoric."

5                What do you expect your  
6    testimony to be in that regard?

7           A     I think in part we've covered that  
8    ground when I talk about propaganda as being a

9 mass persuasion campaign that's carried on by  
10 a particular set of individuals or group of  
11 people trying to elicit particular kinds of  
12 behavioral and/or attitudinal responses  
13 amongst a wide variety of people across a  
14 large population.

15 Furthermore, we generally think  
16 of propaganda as involving deception or lies  
17 or in other ways of understanding what we  
18 might think of as fraudulent communication or  
19 deceptive communication in order to achieve  
20 the aims of the people that are perpetrating  
21 the propaganda.

22 That's the definition of  
23 propaganda I intend to use.

24 Q If a communication is not deceptive  
25 or fraudulent, what do you call it instead of

116

1 propaganda?

2 A It would depend on the point of the  
3 communication. It might be informative. It  
4 might be persuasive.

5 Q Might it be education?

6 A Well, education might be considered a  
7 form of informative interaction.

8 Q But as I understand your earlier  
9 definition of propaganda, there must be an  
10 element of deception or fraudulent  
11 communication in order to qualify as  
12 propaganda; is that correct?

13 A Well, what I've been careful to say  
14 is that generally we think of it as that way.

15 There is an occasional theorist  
16 who will argue that it's not necessarily  
17 positive or necessarily negative. But if we  
18 think of it in terms of the general  
19 population, most people think of it as  
20 negative, and most people think of it as  
21 involving that.

22 My particular choice of the word  
23 in this case is because I clearly want to  
24 imply the generalized definition of that, even  
25 though in academic circles we do occasionally

117

1 argue whether it is inherently so.

2 Q Would you more properly characterize  
3 a communication as public relations if it did  
4 not have a deceptive or fraudulent  
5 communication element involved?

6 A I think how I define public relations  
7 is simply messages that an organization or an  
8 individual might put out in order to get their  
9 name into the public and have it seen in a  
10 favorable light. That's the only claim I'm  
11 making about public relations and the various  
12 ways in which organizations will tend to try  
13 to do that.

14 Q Do government agencies engage in  
15 public relations activities?

16 A Quite often they do, yes.

17 Q Do universities engage in public

18 relations activities?  
19 A Quite often they do, yes.  
20 Q Do health organizations engage in  
21 public relations activities?  
22 A Quite often they do, yes.  
23 Q Do anti-smoking groups engage in  
24 public relations activities?  
25 A Quite often they do, yes.

118

1 Q If an anti-smoking group engaged in a  
2 mass media communication that involved  
3 deceptive or fraudulent communication, would  
4 you call that a propaganda campaign?

5 A Well, it would depend on the nature  
6 of that campaign.

7 Is it using a mass media and is  
8 it designed to alter the behaviors and  
9 attitudes of a wide variety of people and does  
10 it deliberately involve deception? Then yes,  
11 it would begin to look like a propaganda  
12 campaign.

13 Q So central to your definition of  
14 propaganda is the deception or fraudulent  
15 communication element; is that correct?

16 A I'm saying the reason I purposely  
17 chose that word for this particular situation  
18 is because generally that's a generalized  
19 notion of propaganda, I think it has a  
20 negative connotation.

21 I'm clearly trying to indicate  
22 in this particular case that I think that the  
23 tobacco industry has used these negative kinds  
24 of messages, these deceptive messages, if you  
25 will, in relation to the public.

119

1 Q If they had not used these negative  
2 or deceptive messages in communicating with  
3 the public, how would you describe the tobacco  
4 industry's campaign? Would it be public  
5 relations?

6 A Well, think of it as a communication  
7 campaign that includes all the activities  
8 related to advertising, all the activities  
9 related to public relation, all the activities  
10 of personal sales and distribution, the four  
11 Ps of marketing. They certainly use all of  
12 those.

13 In communication we tend to  
14 think of all of those activities as being  
15 included, and they would have all of those  
16 elements.

17 Q If it was not a deceptive or  
18 fraudulent communication, would it be public  
19 relations instead of a propaganda campaign?

20 A Well, a component of it might be  
21 public relations, but it would be broader than  
22 that.

23 Q Is propaganda broader than public  
24 relations?

25 A Yes.

1 Q Is propaganda broader than education?

2 A Yes.

3 Q Is there anything, any category,  
4 broader than propaganda?

5 A I think communication or persuasive  
6 communication would be a broader term because  
7 it would imply not only those kinds of things  
8 that people tend to think of as manipulative  
9 or fraudulent or deceptive but would also  
10 include those kind of things that we don't  
11 think of in that way but would still be of a  
12 persuasive tenor.

13 Q Is there anything broader than the  
14 communication category that you just  
15 described?

16 A Well, some scholars would argue that  
17 rhetoric is as broad a term as communication.  
18 So for my purposes on occasion I might use  
19 those interchangeably because I have a  
20 tendency to agree with that. Other scholars  
21 would think not. But those would tend to be  
22 the broadest terms, yes.

23 Q Point No. 1 says you're going to  
24 explain propaganda, and then it says you're  
25 also going to talk about the study of

1 propaganda and rhetoric.

2 What is your expected testimony  
3 on the study of propaganda and rhetoric?

4 A Well, I haven't really spoken with  
5 the attorneys about exactly to what I would  
6 testify, so I'm not certain exactly how to  
7 answer that question.

8 MR. PURVIS: I'm advised that we're  
9 nearing the end of the videotape. So at this  
10 time we'll go off the record and allow the  
11 videographer to switch tapes.

12 THE VIDEOGRAPHER: The time is  
13 11:46 a.m., and this will conclude Tape No. 1  
14 in the deposition of Dr. Parrish-Sprowl.

15 (WHEREUPON a recess was  
16 taken.)

17 THE VIDEOGRAPHER: The time is  
18 11:47 a.m., and we will now commence Tape  
19 No. 2 in the deposition of Dr. Parrish-Sprowl.  
20 BY MR. PURVIS:

21 Q Professor, can someone get a degree  
22 in propaganda from a university?

23 A I honestly don't know.

24 Q Can someone get a degree in rhetoric  
25 from a university?

1 A Yes, they can.

2 Q You do not have such a degree; do  
3 you?

4 A My degree encompasses both rhetoric  
5 and social science approaches to  
6 communication. I took extensive course work  
7 in both.

8 Q But you do not have a major in

9 rhetoric?  
10 A It's not specifically named that.  
11 Although my undergraduate major of speech is  
12 often considered in our field a term that we  
13 relate to rhetoric because the study of spoken  
14 speech in 20th century America has really been  
15 rhetorical studies, which is why I've had so  
16 many classes on rhetoric.  
17 As we began to switch and use  
18 the term "communication" to label the  
19 departments that we study, what you'll find is  
20 a lot of people have expertise in rhetoric who  
21 have communication degrees because the term  
22 "communication" is broader and encompasses all  
23 the majors that come out of that particular  
24 department.  
25 So in the department I studied

123

1 in, which was interpersonal and public  
2 communication, we had courses in rhetoric and  
3 we had courses that were in more social  
4 science approaches to communication.  
5 Q Have you ever taken a course that is  
6 solely devoted to the study of propaganda?  
7 A No. I have not.  
8 Q Are you aware of any institute of  
9 higher learning that offers courses devoted  
10 solely to propaganda?  
11 A I don't know if there is a specific  
12 title of a course about propaganda, although  
13 there may well be.  
14 What I can say is that somebody  
15 may well teach a particular course in which  
16 they focus on propaganda even though the  
17 course may be titled persuasion or persuasive  
18 campaigns, that we have broader course titles.  
19 But of course individual faculty have the  
20 right to focus on what aspects of that they  
21 chose in the courses they teach.  
22 Q What is the definition of persuasion?  
23 A Persuasion would be interaction where  
24 one person is attempting to influence the  
25 behavior, attitudes, perception, beliefs,

124

1 and/or values of the other individual.  
2 Q How does that differ from propaganda,  
3 if at all?  
4 A Well, persuasion is not necessarily  
5 deceptive. And again, I think that that's a  
6 part of what sets the term propaganda apart.  
7 Propaganda is necessarily mass  
8 oriented where persuasion may not be. It may  
9 be localized to a particular relationship  
10 between two individuals, and we tend not to  
11 think of that as a propaganda campaign.  
12 Propaganda campaigns may include  
13 individual activities such as lobbying, for  
14 example, but they're not going to be solely  
15 focused on particular individuals, it's going  
16 to be across a broad array of individuals. So  
17 that's what makes propaganda a subset of

18 persuasive communication.  
19 Q Can you list for me all of the  
20 subsets of persuasive communication in  
21 addition to propaganda?  
22 A Well, there's a variety of titles  
23 that people would use related to that, so I  
24 can give you some I can think of off the top  
25 of my head, and there may well be others.

125

1 We have compliance gaining  
2 strategies, we have influence strategies, we  
3 have personal sales, we have rhetoric and  
4 rhetorical strategies, we have attitude change  
5 theories. Those would be some of the common  
6 terms that you'll find in social science that  
7 relate to the study of persuasion.

8 Q Directing your attention again to  
9 Deposition Exhibit No. 3, Item 2 says that you  
10 are expected to testify regarding quote  
11 "description of cigarette industry's use of  
12 propaganda and rhetoric as a means of  
13 maintaining its cigarette market."

14 What do you expect to testify  
15 about that subject?

16 A Well, the first thing that I think I  
17 intend to talk about is acts that I will call  
18 where there seems to be apparent deliberate  
19 deception on the part of the tobacco industry  
20 with respect to the various people that make  
21 up their publics.

22 Q You say "apparent deliberate  
23 deception."

24 Who is it apparent to? Is it  
25 your opinion?

126

1 A It's apparent to me. It is my  
2 opinion. Let me state that more strongly. It  
3 is the deception in my opinion.

4 Q Can you tell me every fact that  
5 supports that opinion?

6 A I'm not certain I can recall every  
7 fact at the time, but let me give you a few  
8 examples to illustrate my perception.

9 In no particular order, first  
10 I've seen editorials by both former President  
11 Carter and former senator and former  
12 presidential candidate Barry Goldwater, who  
13 both claimed that while they were in public  
14 office over a period of several years that the  
15 tobacco industry deliberately deceived to them  
16 and lied to them and lied to other people that  
17 they worked with.

18 Second, there have been articles  
19 of analysis in the Journal of American Medical  
20 Association looking at the Brown & Williamson  
21 documents, with which I'm sure you're  
22 familiar. And in those analyses they give  
23 specific examples of where deception has  
24 occurred over the years related to the claims  
25 of whether nicotine is addicting or not and

1 the claims of whether or not they understood  
2 there to be health problems associated with  
3 smoking and whether or not they were marketing  
4 to children.

5 I think the third thing would be  
6 some of the specific documents themselves.  
7 For example, there are documents where one  
8 particular individual who worked for either  
9 Philip Morris or R.J. Reynolds, I forget  
10 which, said that happily for the cigarette  
11 industry nicotine is addictive, and that was  
12 several decades ago. Yet we still have  
13 leaders of the tobacco industry claiming to  
14 the public that nicotine is not addictive, and  
15 this document would seem to belie that.

16 We also have documents where  
17 they, like in the frank statement, where they  
18 say that paramount over everything else is  
19 their concern for the health of their  
20 customers. And yet I have seen one document  
21 with a person from Philip Morris who say that  
22 the two goals of Philip Morris are profit and  
23 growth, that it mentions the health of the  
24 people not at all in that particular document.  
25 I've seen an annual statement

1 from R.J. Reynolds where they indicate what  
2 they're interested in in terms of their  
3 mission and their goals is profit and  
4 satisfaction of customers and growth. Again,  
5 the health of the people aren't mentioned at  
6 all.

7 Those documents seem at odd with  
8 the claim that health is more paramount than  
9 those issues when they're claiming that those  
10 aren't their goals in their own internal  
11 memos.

12 Those would be some of the  
13 examples that I can recall at the moment.

14 Q Your answer made reference to the  
15 documents that you've produced to me; is that  
16 correct?

17 A Correct.

18 Q As you sit here today, what do you  
19 think are the most important documents to your  
20 opinions?

21 A Well, it's important in communication  
22 to take a much more holistic approach, and I  
23 think all of these documents provide a piece  
24 to an overall puzzle.

25 So if you're looking, as a

1 metaphor, at a jigsaw puzzle, you're not going  
2 to say one piece is more important than  
3 another in completing it all because you have  
4 to have every piece of the puzzle.

5 So I think they're all critical  
6 documents, and I have read all of them, and  
7 they all are involved in the formulation of my  
8 opinion.

9 Q You made reference to some documents,  
10 the B&W documents, you cited as examples of  
11 deception.

12 Who was deceived?

13 A I think that a variety of people in  
14 the American public were deceived, and that  
15 includes people that work in government as  
16 well as people outside of government.

17 Q You say a variety of the American  
18 public.

19 How were those people deceived?

20 A I think they were deceived in the  
21 sense that when a person states publicly as  
22 many of the people did before the Waxman  
23 hearings that they believed nicotine not to be  
24 addictive, and yet privately in that industry  
25 they are claiming that it is addictive, I

130

1 think that is deceptive.

2 Q Are you familiar with how large  
3 corporations are organized in general?

4 A In general, yes.

5 Q You've studied and consulted on  
6 communications inside of corporations; haven't  
7 you?

8 A Yes, I have.

9 Q Hasn't it been your experience that  
10 corporations generally permit their employees  
11 to express their views candidly in internal  
12 communications?

13 A Some corporations allow for more  
14 candor than others. It depends on the  
15 corporate climate or the corporate culture.

16 Some cultures breed more candor  
17 than other cultures do. So it would depend on  
18 that particular organizational culture.

19 Q Who selected the documents that were  
20 sent to you for your review in preparation for  
21 your opinions in this case?

22 A I don't honestly know the answer to  
23 that.

24 Q Lawyers or their --

25 A Ness Motley's firm. I mean whoever

131

1 there did that.

2 Q Do you know how many documents the  
3 Ness Motley firm has received from the tobacco  
4 industry?

5 A I have no idea.

6 Q Wouldn't you agree that context is  
7 important in understanding communications?

8 A Yes.

9 Q You agree with the concept that  
10 certain things can be taken out of context;  
11 don't you?

12 A Yes. That's possible.

13 Q Wouldn't you also agree that it's  
14 necessary to see the entire picture to fully  
15 understand communication, not just look at one  
16 bit of it?

17 A It depends on what you mean by the



18 entire picture, and it depends on which domain  
19 or episode of communication that you're  
20 talking about.

21 In other words, if we're talking  
22 about a particular speech interact, then the  
23 amount that we need to know is fairly defined.

24 If we're looking at a larger  
25 national or societal impact, then we may want

132

1 to know more.

2 If we're looking at a particular  
3 focus in a particular kind of campaign, then  
4 what we need to know might be defined in a  
5 different way again.

6 So yes, we need to know a broad  
7 array of information, but as to exactly what  
8 the definition of that or exactly what counts  
9 as the whole amount, that's determined in  
10 different situations.

11 Q When was the frank statement?

12 A To the best of my knowledge, it was  
13 in June of 1954.

14 Q Where was it published?

15 A It was published in several  
16 newspapers all across the country.

17 Q Can you name any of them?

18 A Not at the moment.

19 Q Do you know if it was even published  
20 in the State of Florida?

21 A I believe that it was published in  
22 every state.

23 Q Do you know as you sit here today  
24 whether it was published in the State of  
25 Florida?

133

1 A I can't honestly answer that at the  
2 moment, no.

3 Q How old are you, sir?

4 A Forty-two.

5 Q Have you ever seen the frank  
6 statement before becoming involved in this  
7 litigation?

8 A No. I have not.

9 Q Have you ever talked to any person  
10 who had ever seen the frank statement before  
11 you became involved in this litigation?

12 A I think it's possible that I have,  
13 but I can't recall the specific substance of  
14 the conversation, but I think it's possible.

15 Q Who possibly would you have had that  
16 conversation with?

17 A When I was in graduate school, there  
18 were a series of articles that I think were  
19 put out by R.J. Reynolds that wanted to have a  
20 frank discussion with the American public  
21 about smoking, and it came out in a series of  
22 magazine articles. I don't remember exactly  
23 when that was. I think it was in the early  
24 '80s.

25 When that series of articles

1 came out, many of us had discussions around  
2 those articles and what we thought of those  
3 articles as a piece of persuasive  
4 communication. And I believe that somebody  
5 actually did mention that, but I can't  
6 guarantee that that was specifically part of  
7 that conversation.

8 Q Do you know how many times the frank  
9 statement was published?

10 A I don't recall.

11 Q Do you know where it was published?

12 A I've seen discussions of that in the  
13 documents, and that's a detail I don't recall  
14 at the moment.

15 I also have seen discussions in  
16 the documents where there was a call for  
17 publishing that again twenty-three years later  
18 to affirm that. But again, I don't recall the  
19 specifics around that at this particular time.

20 Q Do you have any knowledge of the  
21 frank statement ever being published again  
22 other than the time in 1954 you mentioned?

23 A I don't have recall of that, no.

24 Q Do you know why the frank statement  
25 was published?

1 A In general I believe that I do, yes.

2 Q What is your understanding of that?

3 A There were some studies published  
4 that showed a statistical relationship between  
5 smoking and the incidence of lung cancer in  
6 this country, and the industry was concerned  
7 about people's response to those. So several  
8 industry leaders got together along with the  
9 people from the firm of Hill & Knowlton, and  
10 the frank statement was published as a result  
11 of the meetings that they had as a result of  
12 their concerns about research that was being  
13 generally published and disseminated amongst  
14 the public that indicated that there was a  
15 problem.

16 Q On what do you base that answer?

17 A I have read several documents from  
18 something called the Hill & Knowlton documents  
19 that I think I received that were related to  
20 the Waxman hearings.

21 I have read other documents from  
22 inside the industry of people talking about  
23 the frank statement and the formation of the  
24 TIRC. And I believe I've read some other  
25 discussions in other books that I've read that

1 are also in the documents that you have.

2 Q What is your opinion of the impact on  
3 the American public of the publication of the  
4 frank statement over forty-three years ago?

5 A Are you asking -- I'd like some  
6 clarification of that. That's a broad  
7 question.

8 Q At the time the frank statement was

9 published forty-three years ago, over  
10 forty-three years ago, what impact do you  
11 think it had on the American public at that  
12 time?

13 A My understanding from the documents  
14 that I've read is that the, and I think one of  
15 the internal documents indicated that from the  
16 point of publishing the frank statement over  
17 the next couple of years that they had gotten  
18 over the hurdle that basically that they had  
19 allayed the fears of people and that  
20 everything was in a much better state for the  
21 industry at that point, not that they felt  
22 like they didn't need to continue their  
23 efforts, but that they had survived that  
24 particular storm.

25 Q Have you done any historical research

137

1 to find out what the American public knew  
2 about the hazards of cigarette smoking in  
3 1954?

4 A I have read books that have talked  
5 about the history of cigarettes in this  
6 country. One I think it's called Smoking Gun.

7 I've also read a deposition,  
8 which is also in your possession, of a  
9 historian in an Indianapolis trial that talked  
10 about what that historian thought constituted  
11 common knowledge at that time.

12 Also I believe there is some  
13 discussion of some research by the tobacco  
14 industry itself in some of the documents  
15 trying to gauge what the reaction of that has  
16 been.

17 Q With respect to the testimony of the  
18 historian in an Indianapolis case, did you  
19 rely on that testimony?

20 A Well, what I found interesting about  
21 that testimony is it seemed that that person  
22 was brought in in order to establish what  
23 might constitute common knowledge about  
24 cigarette smoking and tobacco, and yet the  
25 historian had seemed to do a rather incomplete

138

1 analysis as it came out in the interplay  
2 between the, the cross examination between the  
3 lawyers and the witness.

4 So I think there are some useful  
5 things that can be taken from that, but I  
6 wouldn't say that I have exclusively relied  
7 upon that.

8 As I indicated, I also had read  
9 the book Smoking Gun, and I've also read parts  
10 of a book called Ashes to Ashes, and I've also  
11 read some documents where I believe that that  
12 was discussed.

13 Q You said that the historian gave an  
14 incomplete analysis.

15 How was it incomplete in your  
16 opinion?

17 A Well, for example, if a person is

18 going to talk about common knowledge or  
19 popular knowledge or popular culture, one of  
20 the things that I believe is they have to  
21 discuss what's going on in the media at the  
22 time.  
23 What the person clearly ignored,  
24 for example, was the talk about Chesterfields  
25 on the Arthur Godfrey Show and other things

139

1 that were going on in television that were  
2 designed to add to the common knowledge of  
3 people.  
4 There were several examples that  
5 were brought out in the cross examination  
6 questioning of things that I think the person  
7 should have looked at to make a formal, more  
8 complete opinion about what might be in the  
9 general milieu, and I think that the person  
10 clearly indicated that they had not read  
11 those.  
12 So I think the analysis had some  
13 substance, but I think it was incomplete  
14 because it missed out on those.  
15 Q Have you gone back and reviewed  
16 newspapers from the 1950s and 1960s to see  
17 what they were saying about the smoking and  
18 health controversy?  
19 By "reviewed" I mean a  
20 systematic thorough review.  
21 A No. I have not done that.  
22 Q Have you gone back and looked at  
23 national magazines from that same period, the  
24 1950s, 1960s, 1970s, to see what they were  
25 telling the American public about the smoking

140

1 and health controversy?  
2 A I have read discussions of articles  
3 that were in various magazines that were both  
4 in favor of the tobacco industry and opposed  
5 to the tobacco industry.  
6 So while I have read discussions  
7 of those articles, I personally have not gone  
8 back and looked at those articles at this  
9 time.  
10 Q Have you gone back to determine what  
11 the children in schools were being taught  
12 about cigarettes and health in the 1950s and  
13 1960s and 1970s?  
14 A I have recalled reading about that,  
15 but I can't tell you specifically what the  
16 conclusions or what the observations of the  
17 material at the time was.  
18 Q So the answer is no?  
19 A I have read about that, and I know  
20 there's specific discussion of that in Smoking  
21 Gun, for example, in reviewing the history of  
22 that, but I can't recall the specific text of  
23 what it said.  
24 Q Have you gone back to television and  
25 film archives to see what was said about the

1 smoking and health controversy in those media?  
2 A No. I have not.  
3 Q Have you reviewed the literature to  
4 see what mentions were made of the smoking and  
5 health controversy in the literature?  
6 A I have read all the discussions in  
7 the documents that I've disclosed to you where  
8 they talk about the implications of that  
9 extensively, and that would be primarily what  
10 I've looked at at this time.  
11 Q I think we may have miscommunicated.  
12 By "literature" I meant popular  
13 literature, books, novels, nonfiction works  
14 that were available to the American public in  
15 the '50s, '60s, and '70s.  
16 A Have I read all of the literature  
17 that was available to people at that time?  
18 Nobody has read all of that literature. I  
19 mean that's everything that's ever written.  
20 Have I read books, have I read  
21 magazines that have been published in the  
22 '50s, '60s, and '70s, I've read dozens of  
23 them.  
24 Q Which ones?  
25 A Well, we talked about the theory of

1 cognitive dissonance. I've talked about the  
2 Yale studies. I've read novels by Ralph  
3 Ellison. I have read a variety of mystery  
4 novels. I've read a variety of novels that  
5 have been written by several famous authors.  
6 And literature, I've read a lot  
7 of literature and studies related to  
8 communication, related to persuasion studies.  
9 It would literally, I could spend the rest of  
10 the day trying to recall all the titles of all  
11 the books and articles that I've read if you  
12 would like. Is there any specific ones you're  
13 interested in?  
14 Q Do you agree that cigarettes are a  
15 legal product?  
16 A They are at this time, yes.  
17 Q Would you like to see that changed so  
18 that cigarettes were illegal?  
19 A That's really not what I've been  
20 called on to testify about. I think that  
21 there is strong merit to the case to be made  
22 for them to be illegal, yes.  
23 Q So you favor the banning of  
24 cigarettes in the United States?  
25 MR. BERLY: Objection. You're

1 misstating his testimony.  
2 BY MR. PURVIS:  
3 Q Do you favor the banning of the sale  
4 of cigarettes in the United States?  
5 A I said there's a strong case to be  
6 made for that.  
7 I think that, you know,  
8 realistically though what we have to recognize

9 is that there is a difference between the case  
10 of where we're asking whether or not the  
11 tobacco companies should pay for the damages  
12 related to the product that they have produced  
13 and whether or not that product necessarily  
14 should be banned altogether.

15 Those seem to me to be two  
16 different issues. I haven't fully formulated  
17 my opinion on whether or not they should be  
18 banned.

19 I have formulated my opinion  
20 with respect to whether or not they ought be  
21 responsible for the damage that it has caused.

22 Q And what is the damage that cigarette  
23 smoking has caused?

24 A I think from my understanding that  
25 cigarette smoking is a hazard to people's

144

1 health.

2 I think it leads to a variety of  
3 disease states, and the vast majority of  
4 experts claim that to be the case.

5 It also I think induces some  
6 social costs. There are clearly documents  
7 from people in the tobacco industry who think  
8 that there is social costs. There is a  
9 discussion of it in some of the documents, and  
10 there is a discussion of the link with  
11 disease, and there's a discussion with  
12 addiction, and there's a discussion about what  
13 makes children smoke.

14 So I think the tobacco industry  
15 knew all of these things, and I think that  
16 outside of the public domain I think many  
17 people in the tobacco industry share that  
18 particular perception that there is a  
19 tremendously high cost. I don't know the  
20 actual dollar value to it at this point, but  
21 it's substantial.

22 Q In this answer you indicated that it  
23 was your opinion that there were health  
24 hazards associated with cigarette smoking; is  
25 that right?

145

1 A What I said is is that it's the  
2 opinion of a substantial number of experts,  
3 the vast majority, and I have no reason to  
4 doubt their expertise or their honesty.

5 Q What is your personal opinion about  
6 the potential health hazards of cigarettes?

7 A I think that cigarettes do have  
8 health hazards.

9 Q Do you consider yourself to be an  
10 average human being?

11 A What exactly do you mean by "average  
12 human being"?

13 Q In terms of life experiences.

14 A Well, I mean that's a difficult thing  
15 to say. I mean my life experiences are  
16 different than people who haven't been to  
17 college. My life experiences are different

18 than people who live in other countries.  
19 I don't think of myself as  
20 necessarily an extraordinary person, but I  
21 don't know that other people have necessarily  
22 had the same experience as I've had.  
23 Q Have you done any research on what  
24 the American public believes about the  
25 potential health hazards of cigarette smoking?

146

1 A Well, in the documents that I've  
2 read, and particularly from the tobacco point  
3 of view, in one particular document it said  
4 not only do many people claim this but over  
5 eighty percent of the American public agreed  
6 that there is a health hazard and they believe  
7 that the companies are lying about it.

8 Q Do you think a person should be  
9 permitted to engage in risky behavior if  
10 they're fully aware of the possible  
11 consequences of that behavior?

12 A Well, that's a difficult thing to  
13 say.

14 When you say a person, if I'm  
15 responsible for children or if I'm responsible  
16 for students, the answer is no, I'm going to  
17 make sure that that's not going to happen  
18 because I have that responsibility for other  
19 human beings.

20 So I do think that it would be  
21 an irresponsible parent who would deliberately  
22 allow their children to engage in risky  
23 behavior if they had an opportunity to do  
24 otherwise.

25 If an adult is fully informed

147

1 and they know all of the information and they  
2 know everything about the situation and they  
3 still want to engage in risky behavior and  
4 they want to do so at no cost to anyone else,  
5 then I think that there's room for that to be  
6 allowed.

7 Q Do you believe there is a cost to  
8 nonsmokers when an adult decides to smoke  
9 cigarettes?

10 A Yes, I do.

11 Q What do you believe that cost to be?

12 MR. BERLY: Let me just object for a  
13 minute. You're going I think somewhat far  
14 afield. He's not here to testify as an  
15 economist or a biostatistician or mathematical  
16 modeler. You can ask him a few, but I don't  
17 know that this is really directly on point to  
18 what he's here for.

19 MR. PURVIS: I think it goes to his  
20 potential bias. I'd like for him to answer  
21 the question.

22 THE WITNESS: Could you restate the  
23 question?

24 MR. PURVIS: Would you read it back,  
25 please?

1 (WHEREUPON said record was  
2 read as requested.)

3 THE WITNESS: I don't have a  
4 particular knowledge of that cost at this  
5 time.

6 BY MR. PURVIS:

7 Q How many pages of documents do you  
8 suppose are in this box over here? Three  
9 hundred maybe? It's not a trick question. I  
10 just want your best estimate as to the total.

11 A Probably substantially more.

12 Q Five hundred?

13 A Probably.

14 Q So we're in agreement that you've  
15 produced approximately five hundred pages of  
16 documents.

17 In my review of those documents,  
18 it appeared that about a hundred pages were  
19 deposition transcripts from other people's  
20 testimony, whether it be the historian in  
21 Indianapolis or Professor Pollay from several  
22 different trials.

23 So the remaining documents,  
24 approximately four hundred pages, were the  
25 industry documents that you referred to

1 primarily?

2 A Primarily.

3 Q Have you ever asked the Ness Motley  
4 firm to give you any more documents?

5 A I've asked them to send me everything  
6 that they thought was germane or relevant to  
7 my understanding what the tobacco industry is  
8 doing and what the context of the situation is  
9 and to allow me to formulate a solid,  
10 professional opinion.

11 MR. PURVIS: Why don't we break for  
12 lunch.

13 MR. BERLY: Okay.

14 THE VIDEOGRAPHER: The time is  
15 12:14 p.m., and we are going off the record.

16 (WHEREUPON a lunch recess was  
17 taken.)  
18  
19  
20  
21  
22  
23  
24  
25

1 JOHN PARRISH-SPROWL,  
2 having been previously duly sworn, was  
3 examined and testified further as follows:

4 EXAMINATION

5 (Continued)

6 By Mr. Purvis:

7 THE VIDEOGRAPHER: The time is  
8 1:17 p.m., and we are back on the record.



9 BY MR. PURVIS:  
10 Q Professor, have you ever smoked  
11 cigarettes?  
12 A Yes, I have.  
13 Q For how long did you smoke?  
14 A I smoked off and on for over a period  
15 of maybe twenty years.  
16 Q At what age did you begin?  
17 A Probably the very first time I can  
18 recall smoking a cigarette I might have been  
19 somewhere between eight and ten. I wouldn't  
20 consider myself a regular smoker at that point  
21 by any stretch.  
22 Q At what point did you become a  
23 regular smoker? At what age?  
24 A I think I was more in my teen years,  
25 and that was also intermittent. There were

151

1 periods of time that I smoked more regularly  
2 than others.  
3 Q Why did you start smoking cigarettes  
4 as a teenager?  
5 A Well, obviously being involved in  
6 this particular case I've asked myself about  
7 that, but I'm not certain as to why. Most of  
8 my friends did, I did. It was advertised  
9 everywhere. My parents smoked. A lot of the  
10 adults in my environment smoked. It didn't  
11 seem particularly an unusual thing to do.  
12 Q How did you quit?  
13 A Well, I tried to quit a few times,  
14 and then I finally quit cold turkey.  
15 Q How many years ago was that?  
16 A Right around 1983.  
17 Q Professor, can you name the entities  
18 that you are describing in Exhibit No. 3 when  
19 you refer repeatedly to the cigarette  
20 industry?  
21 A With the cigarette industry I'm  
22 referring specifically to all the major  
23 tobacco-producing companies, the TIRC, the  
24 CTR, and the Tobacco Institute, and also by  
25 implication Hill & Knowlton.

152

1 Q Who are the tobacco-producing  
2 companies you've just referred to?  
3 A There's BAT industries, owners of  
4 Brown & Williamson, there's R.J. Reynolds,  
5 there's Lorillard, there's Philip Morris,  
6 there's the Liggett group. Let's see, did I  
7 leave anyone out? I think that's most of  
8 them.  
9 Q What do you mean when you say  
10 "tobacco-producing companies"?  
11 A Well, these are companies that  
12 package and sell tobacco products to the  
13 American consumer.  
14 Q What does TIRC stand for?  
15 A Tobacco Industry Research, either  
16 "Council" I believe or it might be  
17 "committee."

18 Q Do you know when it was formed?  
19 A I believe that that was formed in  
20 1954.  
21 Q What is CTR?  
22 A That is basically a derivative  
23 entity. They changed the name of the TIRC, so  
24 it's basically it's the Council for Tobacco  
25 Research.

153

1 Q Would you describe cigarettes as a  
2 mature product category?  
3 A Most of the documents I've read in  
4 the industry describe it as a mature product  
5 category. As with all products, you can have  
6 what you might think of as a mature product  
7 category, but it's always possible to develop  
8 new derivative products.  
9 For example, wine might be  
10 considered a mature product category, except  
11 wine coolers when they developed a few years  
12 ago was a new product, in which case it  
13 suddenly becomes not a mature product  
14 category.  
15 So there is that potential for  
16 alternative products to be developed.  
17 Q Is it your testimony that a wine  
18 cooler is a different product category than  
19 wine?  
20 A A wine cooler is not exactly the same  
21 thing as wine, no.  
22 Q Are you familiar with the term "brand  
23 extension" and "product extension"?  
24 A Yes, I am.  
25 Q Would a wine cooler more properly be

154

1 characterized as a product extension than a  
2 new product?  
3 A I think that might fall in a gray  
4 area for some people.  
5 I see it as a new product and  
6 not simply a product extension.  
7 Q So is it your testimony that if a new  
8 brand or type of cigarettes comes out, that  
9 that is a new product?  
10 A Well, for example, I read in a  
11 document, I think it was a BAT industry  
12 document where they were saying that the  
13 European tobacco companies had accepted the  
14 health harm of tobacco and said they were in  
15 the process of developing a less hazardous  
16 cigarette. So they thought that the American  
17 counterpart should do the same.  
18 If they developed a less  
19 hazardous cigarette, that might well be a  
20 revolutionary new product.  
21 Q Are you aware of whether anyone has  
22 been able to develop a less hazardous  
23 cigarette?  
24 A I don't have recall of anything  
25 specific at this time.

1 Q Would you say the tobacco companies  
2 that you identified a few moments ago are  
3 fierce competitors in the marketplace?

4 A Well, as is true with a lot of  
5 marketplaces, they're both competitive and  
6 they're cooperative.

7 They're cooperative around those  
8 issues that are common to the industry, and  
9 they're competitive within the industry  
10 itself.

11 Q Do you believe the cigarette industry  
12 operates together to use propaganda and  
13 rhetoric as a means of maintaining its  
14 cigarette market?

15 A I believe that there's a history of  
16 them doing that. I think that's part of what  
17 the mission of the Tobacco Institute is, and I  
18 think it's also related to the TIRC and the  
19 CTR is concerted action, yes.

20 Q Can you describe for me what action  
21 you're referring to the industry takes  
22 together?

23 A Well, one is simply the formation of  
24 these particular entities in order to, which  
25 they all participated in, in order to get

1 across what they thought was tobacco's  
2 particular perspective related to their  
3 products in the marketplace and all the issues  
4 that surrounded them and then subsequently all  
5 of the activities that are related to that.

6 So there's certainly plenty of  
7 evidence of the tobacco industry having  
8 lobbyists work for them. There's evidence of  
9 the tobacco industry that through these  
10 entities dealing with research, dealing with  
11 ads or announcements that are put in  
12 newspapers and magazines.

13 So there's a lot of activity  
14 where there's plenty of evidence in these  
15 documents that was participated in by all of  
16 the companies in the industry.

17 Q Have you ever spoken to anyone who  
18 authored any of the documents that have been  
19 produced to us today?

20 A Not to the best of my knowledge.

21 Q Do you know the corporate position of  
22 each person who authored a document in the box  
23 of materials that you produced to us?

24 A In some cases I do, and in some cases  
25 I do not.

1 Q Do you know if any reply memos for  
2 example were sent in response to any of the  
3 documents that were provided to us by you?

4 A I haven't actually matched date and  
5 time with particular documents to know whether  
6 they were reply or not.

7 Certainly if they are reply  
8 documents that you think I should be familiar

9 with in forming my opinion, I would be more  
10 than happy to look at those documents.  
11 Q Is it your position that the tobacco  
12 industry speaks with one voice with respect to  
13 the issue of smoking and health?  
14 A It is my position that certainly they  
15 have made every effort to. In fact, in those  
16 documents there is a call for unity amongst  
17 all the people, and there's even attempt to  
18 recruit the warehouse people and people who  
19 grow tobacco to speak with one voice.  
20 When you look at TAN where  
21 they've tried to get all people who smoke to  
22 speak with a consistent voice with the  
23 industry itself, there's plenty of evidence  
24 that they certainly have tried to make  
25 everybody speak with one voice.

158

1 Q Have all of the tobacco companies  
2 that you've named participated in the  
3 organizations that you've described being  
4 TIRC, CTR, and the Tobacco Institute?  
5 A They have all participated at one  
6 time or another, yes.  
7 Q I don't believe in the box of  
8 documents that you produced to me there was a  
9 copy of the frank statement.  
10 Have you seen that document?  
11 A I have seen the frank statement, and  
12 I believe that it is in that document. There  
13 should be a section called the Hill & Knowlton  
14 documents, and within that section the frank  
15 statement is printed.  
16 Q I'll represent to you that the  
17 sections that I reviewed, first of all, were  
18 not labeled. And secondly, I do not recall  
19 seeing Hill & Knowlton documents in what was  
20 produced to us.  
21 Are you saying you received from  
22 the Ness Motley firm a set of Hill & Knowlton  
23 documents?  
24 A I received a set of documents that,  
25 first of all, had a summary report of the

159

1 testimony and conclusions related to the  
2 hearings before the Waxman committee in 1994,  
3 and then there were some exhibit documents  
4 related to that, and the frank statement was  
5 in with those documents. I refer to them as  
6 the Hill & Knowlton documents.  
7 Q You consider yourself an expert in  
8 organizational behavior; do you not?  
9 A As I said before, I'm an expert in  
10 human communication and the activities related  
11 to human interacting, human communication.  
12 Q Assume for a moment that there's a  
13 corporation that has five thousand employees;  
14 okay. If one mid-level manager wrote an  
15 internal memo and sent it to another  
16 colleague, would you accept that as  
17 representing the entire firm's position, the

18 corporation's position?  
19 A Well, as we discussed this morning,  
20 in part to understand the value of any kind of  
21 interaction and within the organization we  
22 have to understand the nature of the  
23 organizational culture.  
24 We know that some people are  
25 probably going to carry more weight than

160

1 others, and we know that some memos are going  
2 to be more critical than others, and we know  
3 that, you know, that there's some opportunity  
4 for greater candor in some organizations than  
5 there are in others.

6 So that kind of hypothetical is  
7 difficult to answer because we find variance  
8 from organization to organization.

9 Q Are you familiar with the concept of  
10 the reification fallacy?

11 A I have read about that. I'd have to  
12 say that I'd need something in front of me to  
13 refresh my memory to talk about it competently  
14 at the moment.

15 Q Isn't that when one makes the mistake  
16 of attributing a communication to an entire  
17 industry as an example when, in fact, it is  
18 only the communication of a sole person?

19 Wouldn't that be an example of  
20 the reification fallacy?

21 A I really would want to refresh my  
22 memory with a piece of work that defines that  
23 for me in an academic sense before I made the  
24 actual application to a particular situation.  
25 I'd feel more comfortable applying it in that

161

1 way.

2 Q Isn't it a fallacy to make a  
3 statement to the effect that quote "the  
4 American public believes"? Isn't that an  
5 example of the reification fallacy?

6 A Well, the notion of a fallacy is when  
7 there is something that is faulty in the  
8 logical process by which you make a particular  
9 claim or make a particular statement.

10 So in a general sense, that's  
11 what a fallacy is.

12 Q And the reification fallacy is  
13 attributing to something such as "the American  
14 public," human characteristics that it exist,  
15 that it has a single sole belief or feeling on  
16 a particular subject, isn't that an example of  
17 the reification fallacy?

18 MR. BERLY: Objection. You've  
19 already asked him about the reification  
20 fallacy. He's told you if you've got  
21 something to put in front of him, he'd be glad  
22 to look at it. But I take it it's not  
23 something he is intimately familiar with as he  
24 sits here right now.

25 MR. PURVIS: Could you read back the

1 question? And you may answer.  
2 (WHEREUPON said record was  
3 read as requested.)  
4 THE WITNESS: Again, I would be happy  
5 to discuss the notion of reification fallacy  
6 if you can put something in front of me that  
7 gives me the sense of academic definition to  
8 refresh my memory.  
9 One of the reasons I keep a lot  
10 of books and articles in my office is so I can  
11 prepare before I talk about things, and this  
12 is one particular item that I'm not  
13 necessarily prepared to talk about at the  
14 moment.  
15 I'm familiar with the term  
16 "reification." But to make a specific  
17 discussion of the claim that you make, I would  
18 really like to be able to review that.  
19 BY MR. PURVIS:  
20 Q Before lunch you were describing for  
21 me the things you could recall with respect to  
22 Exhibit No. 3, Item No. 2.  
23 Your description of the  
24 cigarette industry's use of propaganda and  
25 rhetoric as a means of maintaining its

1 cigarette market.  
2 Do you recall that general  
3 testimony?  
4 A To some degree, yes.  
5 Q My notes indicate that you referred  
6 to letters by or articles by President Carter,  
7 Barry Goldwater, JAMA articles about the B&W  
8 documents, either Philip Morris or RJR  
9 documents pertaining to nicotine, and the  
10 frank statement as well as a Philip Morris  
11 document mentioning the goal of the  
12 corporation is maintaining profit and growth.  
13 Do you recall mentioning those  
14 things?  
15 A Yeah. To the best of my  
16 recollection, that's what I talked about.  
17 Q What other evidence do you have to  
18 support your opinion about the cigarette  
19 industry's use of propaganda and rhetoric as a  
20 means of maintaining its cigarette market?  
21 A Well, I referred to another document  
22 earlier, and I'll refer to that again, where  
23 one person sent a memo to another saying that  
24 they felt that their product was doubt and  
25 their strategy in executing that product as a

1 prospective was brilliantly conceived and  
2 executed. And I think that speaks directly to  
3 their attempt to use propaganda in order to  
4 create a particular belief in the public.  
5 I think another example is there  
6 was a presentation to the chair of Philip  
7 Morris, I believe his name was Hammish  
8 Maxwell, where what they're saying is that

9 they want to promote the social acceptability  
10 of smoking.  
11 Then if you look at that in the  
12 context of, there's a strategic planning  
13 document for Philip Morris from I think it's  
14 '70 to '75, where there's a paragraph that's  
15 right up at the top that says that they need  
16 to promote the social acceptability of smoking  
17 because in the absence of an industry  
18 initiative the public on its own would  
19 gradually erode into finding that  
20 unacceptable. So it was necessary for them to  
21 carry out that campaign.  
22 It went on to say, in fact, that  
23 adolescents might fail to continue to perceive  
24 smoking as a desirable adult activity,  
25 indicating not only that they wanted

165

1 adolescents to have a particular perspective  
2 on that, even though they claimed that they  
3 didn't market to adolescents, but also  
4 indicating that they had to have a particular  
5 campaign in terms of social acceptability  
6 because they thought the public couldn't  
7 sustain on its own an attitude that was  
8 favorable toward smoking.  
9 I think another example would be  
10 the document I referred to earlier where one  
11 of the people said that happily for the  
12 tobacco industry nicotine is addicting, and  
13 this is from a few decades ago, I don't know  
14 exactly how many, and went on to talk about  
15 how that was valuable.  
16 Further, there is a marketing  
17 research study that was done for one of the  
18 tobacco companies where they specifically  
19 refer to a particular kind of smoker as an  
20 imprisoned smoker, people who want to quit but  
21 can't, in their own document, yet at the same  
22 time publicly they're claiming that that's not  
23 the case, that that doesn't happen.  
24 So I think those would be  
25 further examples that I can recall at this

166

1 particular moment that indicate that what they  
2 were saying to each other privately and what  
3 they are looking at privately in terms of  
4 their communication was very different than  
5 what they were doing publicly.  
6 So they certainly launched  
7 campaigns to spread doubt. I think that's  
8 very clear. And they certainly launched  
9 campaigns to suggest that there's not  
10 necessarily a link between health hazards and  
11 smoking. And yet privately they're talking  
12 about this in a very different way.  
13 Q When you say "they," who do you mean?  
14 A The various people who authored these  
15 memos and the documents that the companies put  
16 out into the public. These were sometimes put  
17 out by the Tobacco Institute. These were

18 sometimes speeches by the director at the  
19 Tobacco Institute. These were sometimes memos  
20 between people who were executives or  
21 scientists for the various tobacco companies.

22 Q Do you believe cigarette smoking is  
23 socially acceptable?

24 A At this current time I think it  
25 would, it's difficult for me to assess at this

167

1 particular point. I don't have a current  
2 assessment of the state of the American public  
3 that allows me to discuss that in front of me.

4 Q Do you know how many people smoke  
5 cigarettes in this country today?

6 A I don't know the specific number at  
7 this time, no.

8 Q Did you think smoking was socially  
9 acceptable when you were a smoker?

10 A I think, yeah, generally it was  
11 perceived as socially acceptable, at least in  
12 the areas where I lived and operated.

13 Q Directing your attention to Exhibit  
14 No. 3 one more time, Paragraph No. 3 indicates  
15 that you are expected to testify regarding  
16 quote "explanation of the role access to  
17 information plays in decision making and how  
18 the cigarette industry has interfered with  
19 this access."

20 What is your expected testimony  
21 regarding that statement?

22 A I think what I'm going to suggest  
23 there is that the industry had a substantial  
24 amount of information that they withheld from  
25 people.

168

1 Specifically, I read a  
2 deposition of a person who worked for the  
3 federal government who said that there was  
4 information that would have made a big  
5 difference in how fast their research  
6 progressed and how much they were able to  
7 understand about the effects of smoking that  
8 the cigarette companies had but they had not  
9 turned over to them. So that they didn't have  
10 access, and that affected the flow of their  
11 research very directly.

12 Also, if you look at the  
13 analysis of the Brown & Williamson articles,  
14 there's clearly information that the companies  
15 had that they chose not to share for a variety  
16 of reasons.

17 In fact, I think there's a  
18 fairly explicit explanation of how they took  
19 scientific research work and made sure that it  
20 passed through lawyers so it was protected by  
21 privilege, which is not of course how  
22 scientific research is done anywhere else to  
23 the best of my knowledge, and in order to make  
24 sure that that information was not turned over  
25 to anyone else.



1                   So the access to that  
2 information was definitely inhibited quite  
3 often and quite consistently by various  
4 members of the tobacco industry and their  
5 representative organizations.

6           Q     When was the first lawsuit filed  
7 against a cigarette company in the United  
8 States?

9           A     I don't recall the specific date.

10          Q     Do you know what decade?

11          A     I don't recall the specific decade.

12          Q     You just testified that you believe  
13 the industry's activities withheld information  
14 from the American public.

15                   What information do you believe  
16 the American public did not have about  
17 cigarettes that the tobacco companies had?

18          A     For one thing I think that they  
19 didn't have access to some of the opinions  
20 that the executives and scientists of the  
21 cigarette companies clearly had that might  
22 have made a difference in how they evaluated  
23 the messages from the cigarette companies.

24                   There was one document, for  
25 example, where one cigarette company executive

1 was saying maybe we should take a radical  
2 departure from the strategy that we've had and  
3 we should in fact admit there's a problem  
4 linked with health and there were several  
5 positive developments that could come from  
6 that and the only downside was the potential  
7 for litigation.

8                   If the public had access to that  
9 kind of opinion and to recognize that they  
10 didn't consistently believe that there was no  
11 health hazard and that they didn't  
12 consistently believe that there was no  
13 addition factor, then they might well have  
14 reacted to all the messages that came from the  
15 tobacco industry, being in lobbying, being in  
16 an advertisement, being in a public relations  
17 form, they might not have accepted them in the  
18 same way.

19          Q     Do you consider tobacco company  
20 employees to be credible sources of  
21 information about the health effects of  
22 cigarettes?

23          A     Well, I'm not sure I understand  
24 specifically your question.

25                   What I'd say is that tobacco

1 companies employ several scientists with  
2 Ph.D.s in that area, and one presumes that  
3 since the area of research is related to those  
4 things that they must have some knowledge.

5                   Further, I do think it  
6 reasonable that somebody be an expert in their  
7 own opinion. So when they express their own  
8 opinion and they are in charge of making sure

9       that these products are sold, those opinions  
10       are important.  
11       Q       How would you have proposed that the  
12       tobacco companies communicate their opinions  
13       to the American public?  
14       A       At this particular point in time I  
15       haven't thought about an alternative campaign  
16       that they could have waged, but certainly I  
17       think they could have been more honest and  
18       forthright and not consistently as they said  
19       have a brilliantly conceived and executed  
20       strategy of creating doubt when they felt that  
21       doubt was not necessarily the case.  
22       Q       What do you think the effect would  
23       have been if all this information that you  
24       think was being hidden by the tobacco  
25       companies was given to the American public?

172

1       A       Well, interestingly enough I'll go  
2       back to the Philip Morris strategic planning  
3       document where the executives of Philip Morris  
4       themselves are saying that they think in the  
5       absence of a campaign by the cigarette  
6       companies there's going to be an erosion of  
7       social acceptability for smoking.  
8       I think that's what the tobacco  
9       company believed. Philip Morris, which is  
10       certainly a large company, and was growing  
11       during the last couple of decades, I think  
12       that certainly indicates what they believed  
13       would be the case if they had conveyed  
14       different kind of information.  
15       Furthermore, when we look at the  
16       period of time right before the ban on and the  
17       withdrawal of broadcast advertising for  
18       cigarettes, we know that there was equal air  
19       time. And during the time there was equal air  
20       time and there were anti-smoking commercials  
21       that were put on the air, that, in fact, that  
22       caused the smoking to decline. And that when  
23       both of those kinds of messages went off the  
24       air simultaneously, that's when smoking, that  
25       decline tended to rebound a little bit.

173

1       So pretty clearly when people  
2       have a different set of information than what  
3       they have been given, we see that there is an  
4       impact on smoking, and pretty clearly the  
5       tobacco companies believed it themselves, and  
6       I think that's the important issue.  
7       Q       Did I understand your last statement  
8       to mean that if the tobacco companies thought  
9       they were doing a good job, then they were  
10       doing a good job?  
11       A       Well, as we went earlier this  
12       morning, I said there were different models by  
13       which we can discuss the effectiveness of any  
14       kind of campaign.  
15       One model is what did the people  
16       who were launching the campaign themselves  
17       think of the campaign.

18 By that particular criteria, we  
19 look at what they said. And there was  
20 evidence that they thought they were doing a  
21 good job of maintaining the position that they  
22 needed to maintain. That's the only claim  
23 that I made.  
24 Q In order to make that statement,  
25 wouldn't you have to see every communication

174

1 made by any employee of that tobacco company  
2 to put that one piece of paper in context?  
3 A Well, I think that it's a bit  
4 hyperbolic to state that you would need every  
5 single communication because certainly a lot  
6 of communications would be trivial or  
7 inconsequential related to that particular  
8 issue like people wanting to know whether they  
9 go to lunch with each other or not. That's  
10 organizational communication as well and  
11 that's not necessarily to the point.  
12 The real issue is is there a  
13 sufficient body of communication and by  
14 contrast a marked absence of communication to  
15 the contrary that would allow you to draw that  
16 conclusion. If you think there are documents  
17 that would indicate that these documents are  
18 untrue, I would be very happy to look at them.  
19 Q Do you think the American public  
20 today has full and adequate information about  
21 the claimed hazards of cigarette smoking?  
22 A I think that there is additional  
23 information that the American public needs to  
24 have, and I think they need to have  
25 information related to the attitudes and

175

1 values and beliefs of the people who were in  
2 charge of the tobacco companies and  
3 responsible for disseminating information  
4 about tobacco and the tobacco companies  
5 because I think that that's part of the  
6 important context. What did these people  
7 think when they were telling you about  
8 smoking? And I think that that information  
9 has not been generally available.  
10 We saw in the Waxman hearings  
11 where what they were saying was directly  
12 contrary to some of the things that are  
13 consistently throughout these documents.  
14 Q With that you're referring to the  
15 claim about nicotine addiction?  
16 A Amongst other things, yes.  
17 Q But as you sit here today, you don't  
18 know if there are other conflicting internal  
19 company documents that do, in fact, support  
20 what the executive said to the Waxman hearing  
21 that they did not believe cigarette smoking  
22 was addictive. You don't know that; do you?  
23 A I'm sure that there are documents  
24 generated by these companies that I haven't  
25 seen, and I'm perfectly willing to look at

1 those documents.

2 Q Again, directing your attention to  
3 Item No. 3 on Exhibit 3, is there anything  
4 else you expect to testify to regarding the  
5 explanation of the role access to information  
6 that it plays in decision making and how the  
7 cigarette industry has interfered with this  
8 access?

9 A I think I will discuss issues related  
10 to how people tend to react to decisions that  
11 they make when they find that they've been  
12 lied to. I think that that's important in  
13 this particular case, and it makes a  
14 difference on how you do.

15 I think further it's important  
16 to recognize that sometimes even when people  
17 are lied to, if there is pervasive and  
18 ubiquitous information, if as you tell the big  
19 lies it's often called and you tell it often  
20 enough some people will begin to believe and  
21 even if there is evidence to the contrary in  
22 front of them and some people will act in  
23 accordance with that and that will become  
24 justification for their particular behavior  
25 even if, in fact, they might not necessarily

1 when asked about it in an explicit sense tell  
2 you that they think something is particularly  
3 true or not true.

4 What people often do to justify  
5 their behavior is to need a rationale. They  
6 don't necessarily have to believe that  
7 rationale at that moment.

8 Q What rationale do you believe smokers  
9 use in that context?

10 A I think some smokers use the  
11 rationale that there is doubt about the link  
12 between health hazards and smoking.

13 I think smokers often times  
14 don't believe that the advertisements  
15 necessarily influence them as much as they do.

16 I think that smokers often times  
17 are responsive to advertisements as are other  
18 people responsive to advertising without  
19 necessarily recognizing that they are.

20 Q What data do you rely on in reaching  
21 those conclusions?

22 A Well, that becomes complicated.

23 When we talk about looking at  
24 research methods we know, for example, when we  
25 do any kind of research design there's a

1 problem with social desirability. So that  
2 when you divide the scale or when you do some  
3 kind of statistical study, there's a chance  
4 within a given topic that people could give  
5 what they think of is a socially desirable  
6 response.

7 In a country such as the United  
8 States where people value individual opinion

9 and where people like to think that they make  
10 up their own mind and they're not influenced,  
11 one could easily hypothesize in a given study  
12 if you ask somebody if they were not  
13 influenced by a particular advertisement,  
14 there's a good chance that they may say no  
15 because they'd like to think they made their  
16 decision in the absence of influence.

17 And that's one of the problems  
18 that we have in doing advertising kind of  
19 research in trying to determine specific  
20 effects of advertising. That's why we tend to  
21 use statistical associations, and we look at  
22 how sales move with respect to advertising  
23 when a particular advertising campaign goes.  
24 But why it's difficult to assess on an  
25 individual basis, that's part of the answer.

179

1 MR. BERLY: Could you read the  
2 question back again, and could you please  
3 listen and answer the question I asked?

4 (WHEREUPON said record was  
5 read as requested.)

6 MR. PURVIS: I just want to make it  
7 clear that you expressed certain opinions in  
8 the previous answer that the Court Reporter is  
9 going to read to you, and then I asked you on  
10 what the data on which you based those  
11 opinions. And I would just suggest I don't  
12 think your answer to the second question was  
13 responsive.

14 Let's read it back and see if we  
15 can get it done.

16 (WHEREUPON said record was  
17 read as requested.)

18 THE WITNESS: On part I thought I was  
19 responsive because some of the data that we  
20 have relates to research done about social  
21 desirability, and that data and that research  
22 is linked to how you might answer this  
23 particular question. So it's important to  
24 take that into account any time you do this  
25 kind of research.

180

1 Would you rephrase the question  
2 again?

3 BY MR. PURVIS:

4 Q You gave opinions, and I wanted to  
5 know the data. I want to know the studies,  
6 the research you've conducted, the studies you  
7 rely on, in forming the opinions that you gave  
8 in your answer.

9 MR. BERLY: I think he gave you the  
10 answers and what he relied on, and I think you  
11 then re-asked the question. And I sense that  
12 he's confused because he thinks he's already  
13 answered it, which I think he has too.

14 MR. PURVIS: He did not mention the  
15 name of any data study, anything specific. It  
16 was general theory. I don't want the theory.

17 BY MR. PURVIS:

18 Q I want to know if you have data to  
19 support the conclusions that you gave in that  
20 answer. And if you don't and if you can only  
21 rely on theory, that's fine too.

22 A There is a substantial number of  
23 statistical research methods books that will  
24 talk about the concept of social desirability,  
25 and if anybody takes a number of research

181

1 methods classes will come across the issue of  
2 social desirability. That's a pretty common  
3 issue in research.

4 Q Anything else that you rely on in  
5 giving those opinions?

6 A What I want to do since we've had  
7 this confusion is I want to get the question  
8 again to make sure if there is anything else.  
9 I want to answer the question honest.

10 MR. PURVIS: I'm afraid you're going  
11 to have to go back to the original question.

12 (WHEREUPON said record was  
13 read as requested.)

14 THE WITNESS: I like that answer. I  
15 think I'll stand with it.

16 BY MR. PURVIS:

17 Q Can you identify for me any research  
18 studies you have conducted or others have  
19 conducted that you were relying on to support  
20 that answer?

21 A That the issue of whether or not,  
22 that people will adopt rationales even if they  
23 don't necessarily understand or believe the  
24 rationale or know about it?

25 There's a whole body of research

182

1 related to Langer's notion of mindlessness  
2 that addresses that particular issue.

3 Q In one of these answers you indicated  
4 that you believe people may make decisions  
5 differently if they learn they have been lied  
6 to.

7 Do you recall that?

8 A Yes, I do.

9 Q On what data or research or theory do  
10 you rely on for making that statement?

11 A Well, there's a substantial amount of  
12 research related to deception in  
13 communication. One of the things we find is  
14 that when people find that they've been lied  
15 to, it can affect the decisions they make and  
16 the kind of reaction we have.

17 We can find it in a personal  
18 situation. There are lots of people that will  
19 tell you that once they know somebody has lied  
20 to them, they are skeptical about the  
21 truth-telling of that person every time after  
22 that. So that will make a difference in how  
23 they receive or deal with that particular  
24 person.

25 We find that whether that's in a

1 personal relationship such as in a marriage,  
2 and we also find that in a customer  
3 relationship as well. That's one of the  
4 reasons that we often find that people  
5 mistrust used car salespeople.

6 Q Do you think tobacco company  
7 executives are seen as credible sources of  
8 information?

9 A I've seen no particular study that  
10 addresses that particular issue. So frankly  
11 I'm not sure I can answer that at this point  
12 in time.

13 Q You also mentioned that you didn't  
14 think people realized that advertising was  
15 affecting them.

16 Do you recall that part of your  
17 answer?

18 A Yes.

19 Q Could you identify for me what data  
20 or research you are relying on for that  
21 opinion?

22 A In part that's complicated, and we  
23 can spend several hours talking about that  
24 particular issue. Let me try to give a brief  
25 summary of some of the highlights.

1 A lot of times when people feel  
2 that they're influenced by peers and friends  
3 and so forth, they're presuming that the  
4 advertising has had no affect on the  
5 particular decision, but it may well have  
6 affected their peer or their friend. So there  
7 is an indirect relationship there.

8 We find that in the work of  
9 diffusion of innovations, for example, and in  
10 other kinds of processes where we recognize  
11 that there is often times an indirect effect  
12 to advertising.

13 The second issue is that  
14 sometimes people have been exposed to an  
15 advertisement and they may or may not recall  
16 it, but it might affect behavior.

17 Part of the problem we have with  
18 advertising is that it's often times difficult  
19 to make the specific link at the individual  
20 level, so we tend to operate with statistics  
21 at aggregate level.

22 So we will do an advertising  
23 campaign, and then we will look at sales and  
24 chart whether they go up or down to determine  
25 the effectiveness of that particular

1 advertising campaign. It's difficult to link  
2 that to a particular individual, but it does  
3 tell or give us clues overall as to whether  
4 that advertising campaign is effective.

5 For example, we know with Joe  
6 Camel that within a few years after that was  
7 launched that young children were able to  
8 identify Joe Camel with a great degree of

9 regularity, so that they were aware that Joe  
10 Camel existed.

11 So in a sense of awareness of  
12 that particular character, one would say that  
13 there was effectiveness. But we have to look  
14 at that in an aggregate sense and not  
15 necessarily in a specific sense.

16 Q Do you believe that the ability to  
17 identify a logo tells you anything about the  
18 observer's intent to purchase the item  
19 associated with the logo?

20 A It might in some situations, and it  
21 might not in others.

22 Q The studies you're referring to are  
23 the 1991 Journal of the American Medical  
24 Association studies; is that correct?

25 A I believe so, yes.

186

1 Q Do you believe that those studies  
2 prove that since young children can identify  
3 Joe Camel as a logo that that means that  
4 R.J. Reynolds was targeting children with  
5 their advertising?

6 A I think that that advertisement is  
7 geared much more towards younger people,  
8 people that are not of legal age to smoke,  
9 than it is to target people who smoke. I  
10 think the sales data tend to bear that out,  
11 that the smoking level for Camels went up  
12 amongst younger people, but they stayed  
13 virtually the same for adults.

14 In one of the documents where  
15 the company did focus groups in Phoenix, what  
16 they found was people were familiar with the  
17 advertisements and it was received positively  
18 and that people, therefore, who had formerly  
19 sort of associated Camels with older folks  
20 were now suddenly seeing Camels as an  
21 acceptable brand to smoke.

22 Q Do you anticipate that you will be  
23 testifying about the Joe Camel advertising  
24 campaign at trial of this matter?

25 A I think that amongst other examples

187

1 would be important.

2 Q What will you say with respect to the  
3 Joe Camel advertising campaign at trial of  
4 this matter?

5 A I think that in my opinion the Joe  
6 Camel -- let me state in my opinion the Joe  
7 Camel advertisements are geared much more  
8 towards a younger audience, and I think  
9 explicitly they're concerned with people who  
10 are beginning to smoke who are in their  
11 adolescent years on into their early twenties  
12 than they are trying to focus on older people  
13 and people that we know are of legal age to  
14 smoke.

15 Q On what data do you base that  
16 opinion?

17 A I base that in part on my



18 professional judgment about the use of cartoon  
19 characters in advertisement.

20 I also base that on the fact  
21 that, on the familiarity of that advertisement  
22 and the impact that it's had on young people,  
23 and I think the professionals who designed  
24 that ad knew what they were doing.

25 Q What is your professional judgment on

188

1 use of cartoon characters in advertising?

2 A There are of course cartoon  
3 characters that are used in advertising for  
4 adult products. But I think that more  
5 generally we find cartoon characters that are  
6 used for advertising particularly directed  
7 towards children, and that's a very common way  
8 to do that. And I think it's also important  
9 to recognize that those companies wanted to go  
10 after the younger people.

11 Q On what evidence do you base that  
12 statement?

13 A Well, there are several documents.

14 There's one I believe in the  
15 '60s where one of the executives was saying  
16 that they thought it was inappropriate that  
17 they were barred from advertising to youth  
18 because after all they were going to choose to  
19 smoke, so they should be able to pitch their  
20 particular brands to them.

21 There's also a memo by an RJR  
22 executive in the early '70s who says that we  
23 have to go after the younger market, the youth  
24 market, because that's the future of the  
25 business.

189

1 I also believe there was a  
2 document by Philip Morris which says that we  
3 must go after, when they were talking about  
4 the AMA's desire to try to get a ban and have  
5 the smoking age raised and so forth, that they  
6 said that would gut their market, and it says  
7 in there they want to go after the seventeen  
8 to twenty-one year olds.

9 There's also some documents  
10 where they did marketing, one of the companies  
11 did marketing research in Canada where they  
12 were interviewing people in the fifteen to  
13 seventeen range, and they were clearly trying  
14 to figure out what makes them smoke and which  
15 brands would be appropriate to them.

16 I would also refer back to the  
17 strategic planning document of Philip Morris  
18 where they said that they needed to have  
19 social acceptable campaign by the cigarette  
20 companies or there would be an erosion in the  
21 market, and there's a particular concern that  
22 adolescents would no longer see this as a  
23 desirable thing to do. And I think that  
24 pretty clearly indicates that that's who  
25 they're looking for.

1 Q You mentioned a document in Canada  
2 interviewing or talking about fifteen to  
3 seventeen year olds.

4 Do you know which company  
5 produced that document?

6 A I believe it was Imperial Tobacco,  
7 which is a BAT industry company.

8 Q But they're not a U.S. tobacco  
9 company; are they?

10 A Well, they're related to Brown &  
11 Williamson, and certainly they can share each  
12 other's research with them, and we know that  
13 those kinds of things are done.

14 Q On what evidence do you have that  
15 they're sharing research between Imperial and  
16 Brown & Williamson? Is that just your hunch,  
17 your guess?

18 A I don't recall why I drew that  
19 conclusion at the time. Let me think about  
20 that.

21 Q Can you think of any other way that  
22 you contend the cigarette industry has  
23 interfered with the access of information to  
24 the American public with respect to decisions  
25 they make about cigarette smoking?

1 A I think we have an active example  
2 right at the moment where there's a battle to  
3 try to get documents out of the court and into  
4 a court case, and cigarette companies are  
5 moving to block that and to try to have a  
6 restraining order and claim privilege to those  
7 documents.

8 I think pretty clearly they  
9 don't want those documents to be seen by the  
10 public; otherwise, they wouldn't bother to go  
11 for the restraining order.

12 I think there's also an  
13 interesting document in the BAT documents  
14 where they talk about an elaborate effort to  
15 try to make sure that many of the documents  
16 were either attorney work product or were  
17 attorney-client privileged so that those  
18 documents wouldn't be put out into the public.

19 I also think, let's see, there  
20 was a deposition by one person who indicated  
21 that when there was research information that  
22 they didn't want, they had that shredded  
23 rather than preserved, as they did all their  
24 other research.

25 So I think there is a fair

1 amount of evidence that they have made a  
2 concerted effort to try to make sure that  
3 these documents don't reach the public.

4 Q What do you think would have happened  
5 if the public had this information?

6 A I believe first of all that there's a  
7 good chance that public policy would be quite  
8 a bit different.

9                   There are documents, for  
10           example, in there that indicate that they have  
11           influenced over the course of the last several  
12           decades several legislatures in terms of their  
13           campaign where their product was doubt.

14                   We also most recently see it  
15           with Candidate Dole who is making claims that  
16           are consistent with tobacco industry and also  
17           taking campaign contributions from them. So  
18           there's clearly some kind of relationship  
19           there.

20                   I think that you might not see  
21           those statements from public figures if they  
22           had different information. If they knew what  
23           the Brown & Williamson documents showed and  
24           the documents that I read showed and they knew  
25           that explicitly, I think our public figures

193

1           would have been making very different  
2           statements.

3                   President Carter himself said  
4           that he was duped and that he would behaved  
5           differently had he known that they were doing  
6           this, and Senator Barry Goldwater is calling  
7           for different action related to cigarettes  
8           because he says they have lied and they cannot  
9           be trusted.

10                   So we have public figures pretty  
11           clearly saying their actions would have been  
12           different with respect to policies related to  
13           cigarette companies, cigarettes, and smoking,  
14           had they known.

15                   As with individual smokers, we  
16           did see again in the broadcast case that when  
17           there was sufficient counter-information, that  
18           it did affect people's smoking behavior. And  
19           again, I think that's why Philip Morris drew  
20           the conclusion that they had to wage the  
21           campaign they did or there would be a steady  
22           erosion of social acceptability for smoking.

23           Q       Professor, do you believe  
24           corporations are entitled to the same  
25           constitutional rights as individual citizens?

194

1           A       That's an issue of law that I'm not  
2           sure I'm prepared to talk about today.

3           Q       I'll represent to you that they do  
4           have the same constitutional rights as  
5           citizens; okay.

6                   Do you think the cigarette  
7           companies have the right of free speech?

8           A       Well, the cigarette companies have an  
9           obligation, and in one of the documents I read  
10           they have an obligation to not knowingly  
11           manufacture a product that they think is  
12           dangerous.

13                   So there are legal obligations  
14           about what they have to do, and of course the  
15           speech is related to those obligations that  
16           they have to engage in.

17                   So, for example, the speech of

18 lots of professionals is constrained by the  
19 nature of their profession. So that we have  
20 attorney-client privilege, we have  
21 confidentiality in psychotherapy, and it also  
22 means that when they advertise or talk about a  
23 product they have to be concerned with the  
24 safe manufacture of a safe product.

25 Q Are you familiar with the Federal

195

1 Trade Commission?

2 A I'm aware of the Federal Trade  
3 Commission.

4 Q Are you aware the Federal Trade  
5 Commission monitors cigarette advertising, and  
6 when they think that there's something  
7 improper they seek enforcement action with  
8 respect to any particular company's  
9 advertising?

10 A I know that they have in the past,  
11 yes.

12 Q So there are safeguards to protect  
13 the public in our governmental system; are  
14 there not?

15 A Well, the ultimate safeguard is the  
16 right to litigate, which I think of course is  
17 why we're here today.

18 Q Do you consider litigation to be a  
19 safeguard for the American public?

20 A Litigation has the potential.  
21 Sometimes litigation occurs after the harm has  
22 occurred, and you're trying to get a redress  
23 of grievance. But sometimes litigation is  
24 done in a proactive kind of way.

25 So, for example, the litigation

196

1 that we're engaged in now, however it turns  
2 out, won't affect what happened in the past  
3 but will affect, however it turns out, all the  
4 people in the future.

5 Q Have you ever contributed money to a  
6 political campaign?

7 A No. I have not.

8 Q Do you believe it is permissible for  
9 citizens to contribute money to political  
10 campaigns?

11 A Yes, I do.

12 Q Do you believe it is currently legal  
13 and permissible for corporations to contribute  
14 money to tobacco campaigns?

15 A I'm aware because of recent press  
16 that there's rules and regulations around  
17 that. So I presume that they're allowed to,  
18 but I don't really know the strictures around  
19 that.

20 Q And I apologize. I misspoke. I will  
21 rephrase that last question.

22 Do you believe it is permissible  
23 for tobacco companies to contribute to  
24 political campaigns?

25 A Well, has it been permissible, has it

1       been legal? The answer is yes, it has been.

2       Q     Do you think tobacco companies have  
3       the right to petition their elected  
4       representatives to propose legislation to  
5       protect their interests?

6       A     Do they have the legal right to do  
7       that? The answer is, I'm not an attorney, I  
8       really can't answer as to what their legal  
9       right to do is.

10      Q     Directing your attention again to  
11      Exhibit No. 3, Item No. 4 indicates that  
12      you're expected to testify regarding quote  
13      "description of cigarette industry's use of  
14      propaganda and rhetoric utilizing false and  
15      fraudulent information in order to protect  
16      profits" end quote.

17             What do you expect your  
18      testimony to be in that regard?

19      A     I think in some respects we've  
20      already gone over that ground.

21             I will again refer back to the  
22      documents that indicate that Philip Morris  
23      feels their prime concern is profit and  
24      growth, that the mission statement of R.J.  
25      Reynolds is that they're supposed to make a

1       profit and that they need to grow, and that  
2       clearly as these businesses move along that  
3       their primary intent is to make a profit and  
4       grow. And they are doing what they believe  
5       necessary in order to make a profit and grow.

6       Q     Isn't it the goal of every  
7       corporation to make a profit?

8       A     Well, what's interesting about the  
9       frank statement is that the corporations  
10      collectively claim and signed off on the  
11      notion that of the highest order, more  
12      important than profit, was the health of their  
13      customers. Yet when you look at their  
14      specific documents, that doesn't get  
15      reflected. So they told the public that was  
16      even more important than profit. But what  
17      they actually tell their shareholders and what  
18      they tell their employees is that no, that's  
19      not true.

20      Q     As someone who claims to have an  
21      expertise in marketing, don't you recognize  
22      that the goal of a corporation is to make a  
23      profit for shareholders?

24      A     Well, there's some difficult issues  
25      there.

1             First of all, if it's a  
2       not-for-profit corporation, that of course  
3       wouldn't be true. It would be inappropriate  
4       for them to make a profit.

5             Second is that there's always  
6       compounding factors. For example, a physician  
7       may form a corporation in order to operate  
8       their practice, but they still sign the

9 Hippocratic Oath. So they may do things that  
10 might actually be contrary to make a profit  
11 because it's an appropriate decision for the  
12 health of physicians or clients.

13 We know in psychotherapy, for  
14 example, that once a person takes it on it's  
15 their ethical obligation to keep a client even  
16 if they can no longer afford to pay if they're  
17 in the middle of some kind of process.

18 So while corporations need to  
19 make a profit, we recognize in our society  
20 that sometimes there are higher order of  
21 competing issues.

22 In this particular case the  
23 issue of health of customers is not only  
24 important, the tobacco companies themselves  
25 publicly announced across the whole country in

200

1 a frank statement that it was more important  
2 than profit.

3 So either we are to believe that  
4 they are telling the truth or we are to  
5 believe that they are lying about that.

6 Q Where in the world does it say in the  
7 frank statement that the tobacco companies  
8 believe that the health of their customers was  
9 the most important thing, more important than  
10 profit?

11 A To review that, if I could have the  
12 frank statement before me that would help.

13 Q But it's your recollection that  
14 that's what it says?

15 A That's my --

16 MR. BERLY: Objection. I think  
17 you're misstating part of his testimony.

18 BY MR. PURVIS:

19 Q I just asked if what you said you  
20 thought was in the frank statement. That's  
21 what you think is in there.

22 MR. BERLY: Quoted as what you just  
23 told him?

24 MR. PURVIS: No, as his answer.

25 MR. BERLY: Okay.

201

1 THE WITNESS: To the best of my  
2 recollection, that's the claim that they make.  
3 BY MR. PURVIS:

4 Q Again, going to Item No. 4 where it  
5 states that you're going to testify regarding  
6 a description of the cigarette industry's use  
7 of propaganda and rhetoric utilizing false and  
8 fraudulent information in order to protect  
9 profits.

10 What is the false and fraudulent  
11 information you believe the tobacco industry  
12 used in that regard?

13 A I think their entire campaign about  
14 doubt is false and fraudulent, as I understand  
15 those terms. I think that would be the  
16 primary one.

17 I think their claim that

18 nicotine is not addicting to the public when  
19 in private there's evidence to indicate that  
20 they believe it is addicting would be another  
21 example of that. Those would be two primary  
22 examples.

23 Q Professor, if you wrote a memo and  
24 sent it to the president of your university  
25 and said that you thought the university's

202

1 sports program was detrimental to the health  
2 of the student body, would that be the opinion  
3 of the university?

4 A It would depend on, I mean there are  
5 a lot of different factors. It would depend  
6 on my role in a case of which I did that memo.  
7 So you can't answer that in the abstract.

8 Q You have nothing to do with the  
9 sports program at your university; do you?

10 A Not at this time, no.

11 Q But you're free to write such a memo;  
12 aren't you?

13 A Well, the issue is and what you're  
14 asking in terms of context is if I'm asked to  
15 form a committee, and I'm often times on  
16 committees, and we're supposed to investigate  
17 that and formulate a policy position, then  
18 that memo would be of particular importance.  
19 Or if I had some particular role related to  
20 that, then that would be of some importance.  
21 So it really depends on my particular capacity  
22 with respect to how I write that memo.

23 If I'm representing my  
24 department and their opinion, if I've been to  
25 the arts and sciences council and I'm

203

1 representing their opinion, then that memo  
2 might have some weight.

3 At this particular time the  
4 answer is no. But on the other hand, I have  
5 no reason to write that memo because of that.

6 Q And of course I didn't have you  
7 representing any of those groups you just  
8 mentioned in your answer.

9 You as a professor in the  
10 communication department write a memo to the  
11 president of the university saying that you  
12 think in your personal opinion that the sports  
13 program of the university is detrimental to  
14 the health of the student body, does that  
15 represent the position of the Indiana  
16 University, Fort Wayne?

17 A Well, I mean frankly I don't  
18 understand. I mean I don't just randomly  
19 write memos for no particular reason about  
20 things that are not part of my concern. I  
21 don't do that, so it's difficult for me to  
22 answer that.

23 Q I didn't ask if you had actually  
24 written such a memo. I'm asking you a  
25 hypothetical question, and I'm not asking what

1 the memo, the impact would be. I'm asking  
2 whether you would agree such a memo written by  
3 you would represent the position of your  
4 university.

5 A Well, I understand that, but with all  
6 due respect I feel like I'm being asked to  
7 respond to a nonsensical hypothetical because  
8 it's just something that wouldn't happen.

9 When I write memos, it's about  
10 my business and the things that I have to  
11 write memos about. I don't have time to just  
12 fancifully sit around and write memos, and I  
13 don't think most other people I work with do  
14 either. So it's difficult for me to answer  
15 that in any serious kind of way because I  
16 don't see the hypothetical as a serious  
17 potentiality.

18 Q In your years in academia you have  
19 never written a memo on a subject outside of  
20 your department or outside your area or a  
21 letter to the university officials or anyone  
22 else? All you've done is inside your  
23 department?

24 A To the best of my recollection, I  
25 have not written a memo or letter that doesn't

1 specifically pertain to my business.

2 Q Again, what other false and  
3 fraudulent information do you expect to  
4 testify about with respect to your opinions on  
5 Item No. 4 on Exhibit No. 3?

6 A The various constituencies of the  
7 tobacco industry have claimed that they  
8 deliberately avoid trying to get new smokers  
9 or to market the smokers. In fact, there's  
10 one particular document that says we have to  
11 maintain that claim. I do believe that they  
12 have attempted to make sure that adolescents  
13 begin to smoke.

14 Q What data do you rely on for that  
15 opinion?

16 A Well, in part they claim that both  
17 at R.J. Reynolds and at Philip Morris that  
18 what they need to do is to make profit and to  
19 grow.

20 Well, they're not going to grow  
21 if their base of customers declines, so they  
22 have to have new customers. In these  
23 documents themselves they say that the vast  
24 majority of people who start smoking are in  
25 their teen years, that they are younger than

1 the legal age to smoke.

2 Well, if you're going to make a  
3 profit and grow, you're going to have to go  
4 after some of those customers.

5 There certainly are documents to  
6 indicate that many people believe they would  
7 have to go after those customers. There's the  
8 Philip Morris strategic planning document,



9 there is the memo from the I think it's R.J.  
10 Reynolds' executive, and of course there is  
11 the Canadian research that indicates that they  
12 are trying to figure out what makes  
13 adolescents smoke.

14 There's the Philip Morris  
15 research looking at Camels and Marlboros in  
16 Phoenix and how young people react to those  
17 particular cigarettes.

18 So there's a lot of activity  
19 around tobacco. Then of course there's the  
20 memo that says from the one leader that thinks  
21 that they should be allowed to market to the  
22 youth since they're going to smoke anyway.

23 So I think there's ample  
24 evidence that they think it's a good idea and  
25 they think it's necessary in order to make a

207

1 profit and grow, and I think that that's the  
2 primary evidence that I would use.

3 Q Did you start smoking cigarettes  
4 before you were eighteen years of age?

5 A Yes, I did.

6 Q Did you buy cigarettes?

7 A Yes, I did.

8 Q Who did you buy them from?

9 A Generally vending machines.

10 Q Did you ever buy them from a  
11 convenience store?

12 A I honestly don't recall that far back  
13 where all I purchased such things.

14 Q In an earlier answer a few minutes  
15 ago you identified a quote "campaign of doubt"  
16 end quote that the tobacco industry waged.

17 Could you describe that for me?

18 A Well, that was actually, I was  
19 borrowing the words from the document itself,  
20 and I can't exactly recall who wrote the  
21 document. I'd be happy to look at it if we  
22 want to get it out.

23 What they tried to do and they  
24 were very explicit, what they wanted to do was  
25 create doubt about what they call the smoking

208

1 and health controversy.

2 Q Can you think of any other false and  
3 fraudulent information you plan to testify  
4 about with respect to your opinions set forth  
5 in Item 4 on Exhibit No. 3?

6 A There may be other issues. I can't  
7 recall at this time.

8 Q So have you told me everything that  
9 you plan to -- strike that.

10 Have you told me everything you  
11 expect to testify about with respect to each  
12 of the four points set forth in Deposition  
13 Exhibit No. 3, which is your expert  
14 disclosure?

15 A Well, as I said, I've not done this  
16 before and I don't know exactly what the  
17 testimony part of this whole issue is going to

18 be, but to the best that I can recall now I've  
19 told you everything that I can tell you.  
20 Q When was the first time Congress ever  
21 investigated the tobacco industry?  
22 A I don't have a specific recollection  
23 of when that would be.  
24 Q When was the first Surgeon General's  
25 report?

209

1 A I believe 1964.  
2 Q Do you know the date?  
3 A I believe it was in January, but I  
4 don't recall the specific date.  
5 Q When did the first warning go on a  
6 cigarette package?  
7 A I believe that was in 1965, and  
8 again, I could be off a little bit.  
9 Q Did you identify any other mass  
10 marketed consumer product that has a warning  
11 on the container?  
12 A Well, drugs often have warnings on  
13 them telling people not to take them with  
14 other products or not to take them and operate  
15 motor vehicles or machinery. That would be an  
16 example of products.  
17 Q Can you think of any other mass  
18 marketed consumer product that has a warning  
19 in its advertising excluding drugs?  
20 A Well, microwave ovens, for example,  
21 there have often been warnings related to  
22 people with pacemakers and issues with  
23 microwaves. That's one that comes to mind at  
24 this particular point.  
25 Q When did the tobacco companies start

210

1 placing the Surgeon General's warnings on  
2 their advertisements?  
3 A I don't recall the specific date of  
4 that.  
5 Q But you know it's been many years;  
6 correct?  
7 A Yes.  
8 Q Do you know what causes cancer?  
9 MR. BERLY: Objection. He's not here  
10 as a medical expert.  
11 MR. PURVIS: I understand that.  
12 BY MR. PURVIS:  
13 Q With that qualification, you can  
14 answer.  
15 A I'm not a medical expert. I'm not  
16 going to make claims in the area of medical  
17 opinion.  
18 Q Do you believe science today has  
19 discovered what causes cancer?  
20 A Again, I'm here to talk about  
21 communication, and that's really none of my  
22 particular domain.  
23 Q Directing your attention to Exhibit  
24 No. 3 one more time. After the four points  
25 which express the opinions you are expected to

1 testify about, there is a section called  
2 Summary of Grounds.

3 Do you see that?

4 A Yes, I do, sir.

5 Q Item No. 3 says that you will  
6 presumably base these opinions on your  
7 knowledge of scientific professional  
8 literature.

9 With Mr. Berly's comment, may we  
10 assume that means social science professional  
11 literature as opposed to medical science or  
12 scientific science?

13 A Yes, professional scientific  
14 literature related to the science of  
15 communication.

16 Q It does not refer to medical issues?

17 A That is correct.

18 Q Have you studied ads in preparation  
19 for your testimony in this case?

20 A I have looked at some ads in several  
21 magazines, yes.

22 Q Which magazines?

23 A I may not remember them all, but let  
24 me see if I can run them down.

25 I've looked at Elle and Vogue

1 and Rolling Stone and Spin and Time and  
2 Newsweek. I have four or five others that you  
3 can pick up off the rack. I can't give the  
4 names of them offhand. They're not magazines  
5 I read regularly.

6 Q Did you review these magazines for  
7 ads as a project for your testimony in this  
8 case?

9 A Well, I was interested because I want  
10 to give a full opinion. I want to see what  
11 these ads look like and look at the nature of  
12 advertising by the industry.

13 Q Was this review of advertising  
14 limited to contemporary advertising, meaning  
15 within the last six months or a year?

16 A Well, in several of the books that I  
17 read and in some of the articles I looked at  
18 they had pictures of ads from times past, so I  
19 do have knowledge of advertisements that  
20 occurred prior to the time I was born. And I  
21 also have my own recollection of several ads  
22 that were on the air as well as in magazines  
23 from my own experience growing up in this  
24 country.

25 Q So is that a complete description of

1 your effort to analyze historical advertising?

2 By that I mean you say you saw  
3 some mention of it in books that you had read,  
4 and you also have your personal recollection.

5 A Well, and of course I've read the  
6 analyses of some of these ads in the books  
7 that I've read as well as just simply seeing  
8 the ads, which is what you asked I think

9 originally whether I had seen the ads or not.  
10 Q Which ads do you recall reviewing as  
11 part of this historical review of cigarette  
12 advertising?  
13 A Let's see here, I remember one ad was  
14 Santa Claus and Lucky Strikes saying that,  
15 that one particular ad was talking about how  
16 it was easy on the throat.  
17 Of course I read about the ads  
18 that were done by Arthur Godfrey on the air  
19 for Chesterfields.  
20 I can recall the ads where they  
21 ask us to show us your Lark. The ads where  
22 they had the phrase suggesting that for  
23 smokers Kent is the very best cigarette.  
24 There are the ads for Salem  
25 country. There are the ads for Marlboro

214

1 country where they've taken in print basically  
2 the same theme that they did for the last few  
3 years when they began with the Marlboro man  
4 and Marlboro country and recalling the music  
5 that went along with that.  
6 Then there of course have been a  
7 series of ads -- there were the ads for Benson  
8 & Hedges when they were long and they were a  
9 salimeter longer, and they would show the bent  
10 cigarettes.  
11 There are the ads for "Winston  
12 tastes good like a cigarette should." And of  
13 course there are the dancing cigarettes packs  
14 for Dorel saying "Taste me, taste me."  
15 There are the ads for, let's see  
16 here, Camels where there's "not a cough in a  
17 carload." There are the ads for Lucky Strike,  
18 "Green goes to war."  
19 There are the ads for Virginia  
20 Slims, "You've come along way baby" and that  
21 whole series.  
22 There are the ads for Mistys.  
23 There are the ads for Red Camels. There are  
24 the ads for Marlboros. There are the ads for  
25 Merit cigarettes, ads for Basic cigarettes, as

215

1 I recall some ads for Carlton. I remember ads  
2 for True cigarettes.  
3 There are a substantial number  
4 of ads that of course span across the decades  
5 of cigarette advertising.  
6 Q Do you believe any of that  
7 advertising is false or fraudulent?  
8 A I think you have to understand that  
9 advertising is part of the total communication  
10 package that comes from the industry.  
11 So that when the industry on one  
12 hand is claiming that, you know, is giving  
13 false and fraudulent information and you see  
14 those ads in the context of a community. So  
15 when somebody looks at that ad, they are  
16 looking at that ad within that communication  
17 milieu. So you have to understand it in that

18 sense.  
19 Since the ads often try to  
20 associate with athleticism, they try to  
21 associate with the women's movement, they try  
22 to associate themselves with attractiveness,  
23 they try to associate themselves with social  
24 acceptability, and they try to associate  
25 themselves in cases with manliness,

216

1 independence, and being very cool and hip.  
2 When you try to associate with  
3 all of those things and deliberately ignore  
4 the health issues and the health risk, then I  
5 think there is a degree of fraud in that, yes.

6 Q What do you think the tobacco  
7 industry should have done so that it wouldn't  
8 have been fraudulent?

9 A I'd have to spend a lot of time to  
10 think about how to do an advertising campaign  
11 that might be of a different order.

12 I really at this point haven't  
13 thought about how I would construct an  
14 alternative advertising campaign.

15 Q Do you believe in subliminal  
16 advertising?

17 A I know that companies use subliminal  
18 advertising, and I've seen examples in books.  
19 Particularly I saw an example of an L&M  
20 advertisement where they use subliminal  
21 advertising, and I think I've seen others. So  
22 I know that it is used.

23 Q Do you believe there is such a thing  
24 as subliminal advertising?

25 A Yeah. There's evidence that

217

1 subliminal advertising has been used, yes.

2 Q What evidence are you referring to?

3 A There was a book a few years ago on  
4 subliminal advertising, and it gave several  
5 examples and showed the pictures in the book  
6 of subliminal advertising.

7 There was one picture in there  
8 in particular that dealt with L&M, and these  
9 pictures are examples of an attempt to use  
10 subliminal advertising.

11 Q Do you recall the name of that book?

12 A I think the title of it was  
13 Subliminal Advertising. I don't recall the  
14 specific title at this time.

15 Q And you accept everything that you  
16 read in that book as being true and accurate?

17 A I didn't claim that. I just simply  
18 said that I believe there is such a thing and  
19 it has been used, and that's the only claim I  
20 have made with that.

21 Q And you believe it's been used by the  
22 tobacco companies?

23 A I believe that in this one book there  
24 was an example of where it's been done by a  
25 tobacco company. That's the only one I recall

1 at this particular point in time.  
2 Q Do you recall the author of that  
3 book?  
4 A No. I do not.  
5 Q Do you have a copy of it in your  
6 library, personal library?  
7 A To be honest, I can't answer that  
8 question. I might, but I might not.  
9 MR. BERLY: We've been going about an  
10 hour and fifteen minutes.  
11 MR. PURVIS: Why don't we take a  
12 break.  
13 THE VIDEOGRAPHER: The time is  
14 2:32 p.m., and we are going off the record.  
15 (WHEREUPON a recess was  
16 taken.)  
17 THE VIDEOGRAPHER: The time is  
18 2:43 p.m., and we will now commence Tape No. 3  
19 in the deposition of Dr. Parrish-Sprowl.  
20 BY MR. PURVIS:  
21 Q Professor, can you name three major  
22 advertising agencies for me?  
23 A Saatchi & Saatchi, Gray, and I'm  
24 drawing a blank. Those are the only two that  
25 come to mind at the time.

1 Q Can I suggest to you we're in the Leo  
2 Burnett Building. Would that be one perhaps?  
3 A Well, that would help, yes.  
4 Q Which if any of those agencies  
5 specialize in subliminal advertising?  
6 A I couldn't honestly tell you that at  
7 this time.  
8 Q Do you know of any agency that  
9 specializes in subliminal advertising?  
10 A At this particular point in time I  
11 couldn't answer that.  
12 Q Do you think subliminal advertising  
13 works?  
14 A There's mixed data on that. Of  
15 course, the New Jersey drive-in studies  
16 indicated that it did. There have been  
17 subsequent studies that suggest that it does  
18 not.  
19 Like a lot of techniques,  
20 advertisers don't necessarily wait to see how  
21 the social science data goes. They tend to  
22 use those techniques. So I think it's an open  
23 question.  
24 Ultimately, with any advertising  
25 campaign we tend to assess it after the fact.

1 Q When we began this morning, I asked  
2 you to define "propaganda."  
3 Do you recall that?  
4 A I recall you asking that, yes.  
5 Q I also asked you at that time to  
6 identify any other industry that you contended  
7 engaged in propaganda.  
8 Do you recall that?

9 A I recall that question, yes.  
10 Q And it's my recollection that you  
11 were unable to recall any such industry as you  
12 sat here today; is that correct?  
13 A Yeah. I had not been able to.  
14 Q And you said you would let us know if  
15 one came to mind later in the day. Has any  
16 come to mind?  
17 A I think that many people would argue,  
18 I have not looked at internal documents of  
19 other companies, but many people would argue  
20 that the nuclear industry has engaged in  
21 propaganda campaigns relative to the safety  
22 issues around the nuclear industry.  
23 We do have evidence, for  
24 example, that there has been a considerable  
25 number of safety violations and yet there's

221

1 always the claim upfront that they do  
2 everything they can to maximize the safety of  
3 the people around them. So I think that that  
4 would be one of the prime examples.  
5 Q If you were going to conduct a study  
6 to determine if a particular industry was  
7 engaging in a propaganda campaign, what would  
8 you do?  
9 A One of the things you'd want to do is  
10 look at what the industry itself is saying and  
11 how they're going about saying that.  
12 In other words, you would have  
13 to have some access to documents that would  
14 give you some insight into that.  
15 The second, you would have to  
16 analyze what it is they're actually saying to  
17 the public. In other words, what is the  
18 actual nature of that campaign.  
19 You would want to look at the  
20 media outlets that they're using. You would  
21 want to look at their lobbying activities.  
22 You would want to look at the advertising that  
23 they have, their public relations campaigns,  
24 how extensive is it, how much money has been  
25 invested in it, how long does the campaign go

222

1 on, what kind of studies indicate that people  
2 were receiving those messages, what kind of  
3 information indicates what's going on. And we  
4 would do some analysis of the message in terms  
5 of does the message, again, we have the  
6 esthetic evaluation, we would have the  
7 evaluation of other groups, and we would have  
8 the evaluation by the person themselves.  
9 Also one of the things we would  
10 begin to look at is when you have propaganda  
11 campaigns, you have a tendency to see some  
12 kind of opposition crop up. So would you have  
13 some kind of opposing forces that would try to  
14 argue against the propaganda campaign. And of  
15 course we would want to assess their relative  
16 effectiveness in various areas as well.  
17 Q But I am correct that the tobacco

18 industry is the only industry that you've  
19 studied with respect to whether they are  
20 engaged in propaganda?  
21 A It is the only industry with which I  
22 have had access to internal documents that  
23 have allowed me to do that complete of an  
24 analysis, yes.  
25 Q Earlier I believe you mentioned that

223

1 Senator Dole made statements favorable to the  
2 tobacco industry and he received tobacco  
3 industry contributions.  
4 Do you recall making that  
5 statement?  
6 A Yes, I do.  
7 Q Are you stating expressly that  
8 Senator Dole made those statements because he  
9 received tobacco industry funding or  
10 contributions?  
11 A No. I don't believe I made that  
12 statement.  
13 I think I made both the  
14 statement that he made those comments, and I  
15 made the statement that he received funding.  
16 I'm not trying to imply causality necessarily.  
17 I'm just saying that both of those things  
18 occurred as statements of fact.  
19 Q The various aspects of a propaganda  
20 campaign are forms of mass communications. Is  
21 that a fair statement?  
22 A Well, it uses mass communication, and  
23 it is designed for a large audience, but there  
24 can be parts of it, such as lobbying, for  
25 example, that may well involve a lot of

224

1 interpersonal interaction, as well as the kind  
2 of advertisements that you might get in  
3 newspapers or things that you might get over  
4 broadcast media.  
5 Q Have you ever been a lobbyist?  
6 A Me personally, no.  
7 Q Have you ever worked for a lobbyist?  
8 A No.  
9 Q Have you ever worked at any level of  
10 government as an elected or appointed  
11 official?  
12 A Well, I'm a state employee at the  
13 university, but I think that's as close as we  
14 get.  
15 Q Have you ever been lobbied?  
16 A I think in the broadest sense of the  
17 term I would argue that I've been lobbied.  
18 Q Could you describe that for me?  
19 A Yeah. I've had people that have  
20 tried to get to know me because of positions  
21 I've been in and then in turn try to influence  
22 my decision on particular issues that I might  
23 have control or some value to, and I think  
24 that that's basically what lobbying is about.  
25 Q Is there anything improper with the



1 process you just described?  
 2 A Well, there's nothing inherently  
 3 improper about that. It is potentially  
 4 improper, and it is potentially proper.  
 5 Q How is it potentially improper?  
 6 A I think it is potentially improper if  
 7 there is the use of deception, if there is a  
 8 use of lie, if there is a use of fraud, and in  
 9 particular if it does something that can  
 10 damage other people for the gain of the person  
 11 that's lobbying or representing, I think  
 12 there's something improper about that.  
 13 Q Are you familiar with the source  
 14 message channel receiver feedback model of  
 15 communication?  
 16 A Yes, I am.  
 17 Q It's a very basic model; is it not?  
 18 A Well, it's a basic model within a  
 19 particular theoretical framework. In fact, if  
 20 you look in the communication literature,  
 21 you'll find well over a hundred twenty  
 22 different models of communication.  
 23 Q But essentially they all contain the  
 24 basic elements as set forth in the source  
 25 message channel receiver model; do they not?

1 A No. That would not be true.  
 2 Q Do you teach the SMCR model in your  
 3 communication courses?  
 4 A I teach about it, yes.  
 5 Q Do you teach it as a method to  
 6 determine whether there has been effective  
 7 communications?  
 8 A Well, it would depend on the class  
 9 that I'm teaching in.  
 10 For example, if I'm teaching a  
 11 class about theories of communications, I will  
 12 teach it as something that the SMCR model that  
 13 David Burlew introduced in 1960 as the first  
 14 time that we began to associate the notion of  
 15 process with communication, and that was  
 16 important for our particular discipline. But  
 17 at the same time as our theoretical knowledge  
 18 has grown, what we are doing is really moving  
 19 beyond that. And I probably teach it in a  
 20 theories course more as historical artifact.  
 21 On the other hand, if I'm trying  
 22 to teach people in the basis of organizational  
 23 intervention since a lot of people who don't  
 24 study communication still use that model, I  
 25 will teach people about that model and how

1 other people might use it in their particular  
 2 work so that they can work with people who are  
 3 not conversant with contemporary communication  
 4 theory because otherwise it would be difficult  
 5 to work in an applied way with some people.  
 6 MR. PURVIS: I have no further  
 7 questions.  
 8 MR. BERLY: Anybody else?

9 MS. TYLER: I have a few.  
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228

1 EXAMINATION  
2 By Ms. Tyler:  
3 BY MS. TYLER:  
4 Q Professor, my name is Julia Tyler.  
5 I'm an attorney with Johnson & Tyler in  
6 Washington, D.C., and I represent Philip  
7 Morris in this case.  
8 I'm going to apologize at the  
9 outset. My esteemed colleague, Mr. Purvis,  
10 has asked you a variety of wonderful  
11 questions, and I just have some areas that I  
12 want to revisit, but I may be jumping around a  
13 little bit, and I apologize if there's any  
14 confusion in that respect.  
15 Professor, have you discussed  
16 this case with anyone other than the attorneys  
17 representing the State of Florida?  
18 A Well, as I said, we had this meeting  
19 in Chicago, and there were the other people  
20 that I mentioned, and there was a general  
21 discussion about things that I think are  
22 related to this case. But other than that,  
23 no, I really haven't.  
24 Q Have you discussed this case with  
25 your wife?

229

1 A My wife knows what I'm doing because  
2 we tell each other what we do. But I have  
3 deliberately avoided it because I know the  
4 legal implications of talking about things  
5 related to a lawsuit.  
6 Q How do you mean you understand the  
7 legal implications of discussing things  
8 related to a lawsuit?  
9 A Well, my understanding, of course I'm  
10 not an attorney, is that if I'm going to go  
11 on, well, I'm going to give a deposition and  
12 if I go on a witness stand, people are  
13 probably going to want to know who all I  
14 talked about this case with and what I had to  
15 say. So I figured if I didn't talk with  
16 anybody, then I don't have to remember  
17 anything as to what I talked about.

18 Q And you wouldn't have to defend those  
19 statements either; right?  
20 A You don't have to defend things you  
21 didn't say.  
22 But more than anything, it's  
23 about a particular issue of recall. I'm not  
24 certain that I would make statements that I  
25 would be uncomfortable defending.

230

1 Q Have you discussed this case with  
2 Victoria O'Donnell?  
3 A No. I have not.  
4 Q Have you discussed this case with a  
5 Professor Reinhart?  
6 A Pardon?  
7 Q Professor Reinhart.  
8 A I don't believe I even know a  
9 Professor Reinhart.  
10 Q Professor John Reinhart?  
11 A That name rings no bell for me. I'm  
12 sorry.  
13 Q You just stated that you understand  
14 the legal ramifications somewhat of  
15 communicating outside of a legal context or in  
16 the context of a legal case I believe in the  
17 context of discussing this case with your  
18 wife.  
19 A I think the issue there is I have a  
20 lay person's understanding that once I got  
21 involved in this, conversations I might have  
22 about the case might be something that  
23 somebody would want to talk with me about. So  
24 I felt if I narrowed the amount of  
25 conversation I had, then I would have less to

231

1 recall, and that would be helpful to me  
2 because there's obviously as you well know a  
3 wealth of material that we're covering here.  
4 Q Do you understand the propriety or  
5 importance of the attorney-client privilege?  
6 A I have a general person's  
7 understanding. I'm not an attorney.  
8 My understanding is that those  
9 things can't be divulged, but I really don't  
10 know what conditions under which that would or  
11 wouldn't be true. In other words, that's  
12 beyond the scope of my knowledge.  
13 Q Has Mr. Berly explained the  
14 attorney-client privilege to you?  
15 A He may have talked about it. I don't  
16 recall. I don't remember asking.  
17 Q What is your understanding of the  
18 attorney-client privilege?  
19 A My understanding is that  
20 conversations between attorneys and clients  
21 are privileged, that they're not subject to  
22 knowledge of or scrutiny by other people.  
23 I mean that's a generalized  
24 sense. There may be strictures, regulations,  
25 rules about that that are the case in the

1 legal profession that I really don't have  
2 knowledge of.

3 Q What's your understanding of the  
4 purpose of the attorney-client privilege,  
5 Professor?

6 MR. BERLY: I'm going to object to  
7 that. He's not here to offer any legal  
8 opinions. For example, he's not going to know  
9 anything about the crime product privilege,  
10 the crime product exception, to the  
11 attorney-client privilege, which as you well  
12 know, I mean we can talk hours about it.

13 I don't see where you're going  
14 with that, and there's no sense asking him  
15 about it because he's not here to give you any  
16 expressions of any opinions about legal issues  
17 or attorney-client privilege or whatever.

18 MS. TYLER: I've just asked him what  
19 his understanding is of the purpose of the  
20 attorney-client privilege.

21 Are you instructing him not to  
22 answer?

23 MR. BERLY: No. I'm not instructing  
24 him not to answer. But I'm telling you he's  
25 not an expert on the attorney-client

1 privilege. We're not offering him for  
2 anything. So all you're doing is wasting  
3 time. That's your prerogative. You've got  
4 about an hour and a half to go.

5 BY MS. TYLER:

6 Q Can you answer the question?

7 A Could you restate the question,  
8 please?

9 Q What's your understanding of the  
10 purpose of the attorney-client privilege?

11 MR. BERLY: If he knows, he can  
12 answer.

13 THE WITNESS: Again, I understand I'm  
14 here in this context to offer an expert  
15 opinion, and I will offer opinions about  
16 things I'm expert about.

17 I really don't know what the  
18 rules and regulations around that are. I  
19 think it would be improper for me to talk  
20 about.

21 BY MS. TYLER:

22 Q Well, I'm going to state for the  
23 record that this witness has previously  
24 testified that the tobacco industry is now  
25 endeavoring to protect documents through a

1 temporary restraining order, which are  
2 arguably and I believe protected by the  
3 attorney-client privilege. And I believe he's  
4 testified that he takes issue with that fact.

5 So I believe my questions are  
6 entirely appropriate. And I'm going to ask  
7 you is it your testimony that you do not  
8 understand the purpose underlying the

9 attorney-client privilege?  
10 A I think what I said about that is  
11 that that was an indication that they didn't  
12 want those documents made public, and that was  
13 what I intended to say.  
14 I don't believe I went into the  
15 reasons per se as to why they didn't want  
16 those made public. Simply that was an  
17 indication that they didn't want that  
18 information made public.  
19 I don't think that really speaks  
20 to the issue of what the intent, purpose, or  
21 design of attorney-client privilege is, and I  
22 didn't mean to imply knowledge of that.  
23 But I did mean to imply that my  
24 understanding from reading in the newspaper is  
25 that a person wouldn't ask for a restraining

235

1 order if they didn't want something  
2 restrained.  
3 Q Professor, would you want your tax  
4 returns to be made public?  
5 A Well, I guess I really don't  
6 understand the point of that question. If you  
7 can help clarify for me.  
8 Q It's just a general question.  
9 MR. BERLY: You mean as a private  
10 citizen sitting here, not as a nominee to  
11 congress or a federal judgeship where it's  
12 required by law to turn it over?  
13 MS. TYLER: He can attach any  
14 conditions I suppose he wants to the question.  
15 I'm just asking would you want your tax  
16 returns to be made public.  
17 MR. BERLY: I sure wouldn't.  
18 THE WITNESS: I guess it depends on a  
19 whole host of issues. It would depend under  
20 what circumstances they were being made  
21 public. It would depend on, you know, whether  
22 everybody else's were being made public. It  
23 would depend on what the content of tax  
24 returns were when we chose to make the rule to  
25 make those things public. And I don't know

236

1 anything about all of those, and I would have  
2 to really think about that particular issue  
3 before I could render an opinion on it.  
4 BY MS. TYLER:  
5 Q So as you sit here today, you can't  
6 tell me whether or not you would want your tax  
7 returns to be made public?  
8 A Well, obviously if I were going to  
9 run for president of the United States, I  
10 would have no choice. If I really wanted to  
11 run for president of the United States, I'd  
12 probably have to disclose that information.  
13 In this particular case, I'm not  
14 saying whether I do or whether I don't. What  
15 I'm saying is I'm not rendering an opinion at  
16 this time because I think that's a complex  
17 issue that would require more thought than

18 what we're going to be able to give it to in  
19 the next moment or two.  
20 Q Well, we could have the question read  
21 back, but I don't think I suggested that you  
22 were going to run for president of the United  
23 States.  
24 I asked as you're sitting here  
25 today, would you want your tax returns made

237

1 public?  
2 MR. BERLY: I object. That's just  
3 totally irrelevant. It's got nothing to do  
4 with anything.  
5 BY MS. TYLER:  
6 Q You can answer the question.  
7 A Well, and again, I think as we've  
8 talked about all day long context is  
9 important.  
10 I don't understand the context  
11 of the question, and I don't understand the  
12 context in which they would be made public,  
13 and I haven't really given any thought to  
14 about my particular tax returns and whether  
15 they should be made public or not. So I  
16 really don't want to render an opinion at this  
17 point one way or the other.  
18 Q Professor Sprowl, do you know  
19 Professor Dean Krugman?  
20 A I'm sorry to correct, but it's  
21 Parrish-Sprowl.  
22 Q I apologize.  
23 A No. I do not.  
24 Q You never met him?  
25 A Not to the best of my knowledge.

238

1 Q Have you ever heard his name?  
2 A I have heard his name.  
3 Q Where did you hear his name?  
4 A Well, most recently I've read a  
5 document, it might be an affidavit, it might  
6 be a deposition, I'm not sure, related to him.  
7 And I have seen his name on advertising text.  
8 Q But you've never spoken with him?  
9 A Not to the best of my knowledge.  
10 I mean obviously over the years  
11 you meet lots of people in casual  
12 conversation, and I can't say that I never  
13 have without a doubt. But to the best of my  
14 knowledge, I never have.  
15 Q Do you know where he teaches?  
16 A I don't recall that information,  
17 although I know it's in that document.  
18 Q What is your recollection of this  
19 document that you saw?  
20 A I'd have to go back and review. If  
21 you can put it in front of me, then I feel I  
22 can talk about it. But at this point I don't  
23 have a specific recall.  
24 Q So if you don't recall the document,  
25 then I suppose you don't recall for what

1 purpose you intend to rely on that document;  
2 is that correct?  
3 A Well, at this particular point I  
4 can't tell you anything specific about the  
5 document.  
6 If you want to talk about  
7 something specific, we can look at it and then  
8 that would refresh my memory. I'm not sure  
9 how else to answer that question.  
10 Q Professor, do you know Richard  
11 Pollay?  
12 A I met him one time.  
13 Q When did you meet Professor Pollay?  
14 A When we had the previously mentioned  
15 meeting in Chicago.  
16 Q Now, I believe in response to  
17 Mr. Purvis' questions you did not mention  
18 Pollay at that meeting.  
19 I believe you mentioned  
20 Professor Carr was at that time meeting in  
21 Chicago.  
22 A Uh-huh.  
23 Q Professor Allen was at that meeting.  
24 A Uh-huh.  
25 Q Now Professor Pollay was at that

1 meeting.  
2 Do you recall anyone else at  
3 that meeting?  
4 A I apologize. I had completely  
5 forgotten that he was here.  
6 I think I mentioned that  
7 Victoria O'Donnell was there and Ron Motley  
8 was there and Andy Berly was there. Then  
9 there were a bunch of other people around the  
10 table whose names I don't recall.  
11 Q Did you have a discussion with  
12 Professor Pollay at that meeting in Chicago?  
13 A Not really.  
14 I mean we introduced and said  
15 our names. He told me he taught I believe at  
16 in British Columbia in Vancouver in business,  
17 and I told him I taught communication at IPFW,  
18 and then I excused myself to get a cup of  
19 coffee.  
20 Q That was the extent of your  
21 interpersonal communication with Professor  
22 Pollay?  
23 A I think you have a hundred percent of  
24 it, yes.  
25 Q Did he give a presentation at this

1 meeting?  
2 A No.  
3 Q Have you ever exchanged any  
4 correspondence with Professor Pollay?  
5 A No. I have not.  
6 Q Have you reviewed any documents from  
7 Professor Pollay in connection with this case?  
8 A I believe I've read one article that

9 he wrote perhaps around 1990.  
10 Again, I'd have to look at the  
11 document to cue some specific recall of what  
12 was in that.  
13 Q If you don't recall the document, you  
14 don't recall for what purpose you intend to  
15 rely on that document?  
16 A Not at this particular point in time.  
17 I read it. I think it's in the  
18 box that we have here or that was given to  
19 you. I read it along with all the other  
20 material. I can't recall specifically now  
21 with any precision what's in the document.  
22 Q Did you review a deposition of  
23 Professor Pollay in connection with your work  
24 in this case?  
25 A No. I have not.

242

1 MS. TYLER: Mark this as Exhibit 4.  
2 (WHEREUPON Deposition Exhibit  
3 No. 4 was marked as of  
4 3/25/97.)  
5 BY MS. TYLER:  
6 Q Professor, I believe you've been  
7 handed what we've marked as Parrish-Sprowl  
8 Exhibit No. 4, which is a copy of the  
9 deposition of Richard Pollay.  
10 I'll represent to you that  
11 counsel for the state has produced this to us  
12 as a document that you reviewed and that you  
13 relied on, and you just testified that you  
14 have never -- is it your testimony you have  
15 never seen this document before?  
16 A To the best of my recollection, this  
17 is the first time that I've seen this. If  
18 it's in those documents, that's pure oversight  
19 on my part. Like I said, to the best of my  
20 knowledge, I know I have not read it.  
21 Q If you haven't read it, then you  
22 don't rely on it I take it?  
23 A That would be the case, yes.  
24 Let me qualify that. When you  
25 say haven't read "it," I assume this is the

243

1 "it" you're referring to.  
2 Q That's an exact copy of what was  
3 produced to us.  
4 A Okay.  
5 Q Professor Parrish-Sprowl, you  
6 testified earlier that in order to study if a  
7 company is engaged in propaganda, you would  
8 have to analyze what the company is saying.  
9 Do you recall that testimony?  
10 A I'm sorry. Could you repeat that  
11 again?  
12 Q You testified earlier that in order  
13 to study if a company is engaged in  
14 propaganda, you would have to analyze what the  
15 company is saying.  
16 Do you recall that?  
17 A Yes, I do.



18 Q You consider yourself a social  
19 scientist; is that correct?  
20 A Yes, I do.  
21 Q And you consider yourself to be fair  
22 in your work --  
23 A Yes, I do.  
24 Q -- and objective in your work?  
25 A Well, now that's a more difficult

244

1 term because in various types of research what  
2 we, you know, objectivity takes on different  
3 forms and different meaning. So objectivity  
4 is a difficult thing to assess in the nature  
5 of social science research.

6 So that when you're doing  
7 statistical research, for example, you're  
8 trying to create some level of objectivity  
9 between the observer and the observed. So  
10 there are protocols for creating objectivity  
11 in that particular case.

12 But if you're doing ethnographic  
13 research, for example, another form of social  
14 science research although nonquantitative,  
15 then you're not necessarily trying to create  
16 an objective stance. In fact, you might be  
17 trying to capitalize on a subjective stance in  
18 order to gain insight into what you're looking  
19 at.

20 I've done both kinds of  
21 research. And depending on the kind of  
22 research I'm doing, I try to engage in  
23 objectivity in a research sense.

24 Now, if you're asking me if I  
25 try to be objective as an individual in this

245

1 particular case, I am trying to render as  
2 honest and as fair an opinion as I can.

3 Q Professor, in the research that you  
4 have done, have you conducted your own  
5 investigation in connection with that  
6 research, or have others directed your  
7 research?

8 A Well, when I did research as a  
9 student, of course you have directors, but to  
10 the best of my knowledge since I have received  
11 my Ph.D., I have largely directed my own work  
12 or have worked in conjunction with co-authors.

13 Q When you've conducted your own  
14 research, have you made choices, your own  
15 choices, about what documents you would review  
16 in order to prove or refute your hypotheses?

17 A Well, typically if you're going to  
18 hypothesize, that's about how the data moves,  
19 not about the documents that you would  
20 necessarily access, unless you're looking at  
21 document types of research. So it would  
22 depend on the kind of research we're talking  
23 about.

24 But typically of course the  
25 researcher makes choices about the nature of

1 their research.

2 Q Well, in an investigation do you  
3 think it's proper to rely on a party with a  
4 vested interest in litigation to provide you  
5 with documents that bear on an issue?

6 A Well, there's a complex answer to  
7 that question because in part I've been told  
8 that I can ask for anything that I want. So  
9 it's not a sole reliance. I have a choice to  
10 ask for the documents, and we have talked  
11 about the fact that I have. And I have  
12 certainly asked them to provide all the  
13 documents that would allow me to render a fair  
14 and expert opinion. So I certainly have asked  
15 for that kind of documentation.

16 I've also stated today that if  
17 you have other documents that you think it  
18 would be good for me to look at, I would be  
19 happy to look at those in rendering my  
20 opinion.

21 Q So it's your testimony I believe  
22 though that you have asked counsel for the  
23 state to provide you with all documents that  
24 they consider germane to your testimony; is  
25 that correct?

1 MR. BERLY: I'm going to object to  
2 that simply because that misstates what he  
3 said. But I think he can nevertheless answer  
4 it.

5 THE WITNESS: What I have asked is  
6 for information that allows me to render a  
7 fair and competent expert opinion.

8 So if there are any documents  
9 that I would want to see in addition, for  
10 example, I was interested in the issue of  
11 youth, so I asked for all the documents that  
12 they had related to youth and tobacco sales.  
13 And that was a generic request of mine, and I  
14 asked for all those documents. I believe they  
15 provided me what they had.

16 If there are other documents,  
17 you know, I'll be happy to look at them. And  
18 if you have documents you think I should look  
19 at, I'll be happy to look at them too.

20 BY MS. TYLER:

21 Q Unfortunately, I think that creates  
22 certain logistical and legal problems, but --

23 A Well, as I said, I'm not an attorney.

24 Q Certainly.

25 MS. TYLER: Would you mind reading

1 back his answer to that question?

2 (WHEREUPON said record was  
3 read as requested.)

4 BY MS. TYLER:

5 Q Professor, you have relied on counsel  
6 for the State of Florida to provide you with  
7 documents that will allow you to render an  
8 informal opinion; is that correct? I

9 apologize. I misspoke. An informed opinion.  
10 A I have based upon the documents that  
11 I have received and the other investigation  
12 I've done looking at all the advertisements  
13 that we spoke of earlier, et cetera, I believe  
14 that I can render an informed opinion, yes.

15 Q That wasn't my question.

16 My question was have you relied  
17 on counsel for the State of Florida to provide  
18 you with all documents necessary that would  
19 allow you to render an informed opinion?

20 A Well, certainly as I indicated  
21 earlier, I have used some of my own books and  
22 have relied on, you know, to recall particular  
23 issues related to theoretical perspective and  
24 research method that are just part of my  
25 professional training and vocation, and I did

249

1 not receive those.

2 But in terms of the documents  
3 related to tobacco specifically, the vast  
4 majority of those things, not counting some of  
5 the advertisements, et cetera, have come from  
6 them, yes.

7 Q Well, in fact, one hundred percent of  
8 the internal company documents you reviewed  
9 have come from plaintiffs' counsel; is that  
10 correct?

11 A To the best of my knowledge.

12 Q Earlier you testified that the  
13 primary intent of the tobacco companies was to  
14 make a profit.

15 Do you recall that testimony?

16 A I believe what I said is that I had  
17 reviewed documents, one from Philip Morris and  
18 one from R.J. Reynolds, where what they said  
19 was that their primary intent or concerns were  
20 profit and growth.

21 So what I think I testified to  
22 was as to what they thought their primary  
23 intent was.

24 Q I believe you expressed concern that  
25 the frank statement discussed public health as

250

1 a paramount concern, and you testified that  
2 that concern was not reflected in the  
3 documents.

4 Do you recall that testimony?

5 A Yeah. I think what I said with those  
6 documents is that I don't see any discussion  
7 in those particular documents dealing with  
8 health, and certainly I don't see any  
9 discussion in those documents that would  
10 suggest that health is more important than  
11 those.

12 In fact, what both of those  
13 documents definitively say is that those are  
14 the most important issues, that of growth and  
15 profit.

16 Q When you say that you do not see the  
17 discussion of public health is a paramount

18 concern reflected in those documents, you're  
19 talking about the approximately four hundred  
20 pages of internal company documents that  
21 plaintiffs' counsel has provided you with; is  
22 that correct?

23 MR. BERLY: Excuse me. Four hundred  
24 pages or four hundred documents?

25 MS. TYLER: I believe we established

251

1 for the record earlier that it was  
2 approximately four hundred pages of internal  
3 company documents.

4 MR. BERLY: I thought it was four  
5 hundred documents because I mean the box over  
6 there, I think a bankers' box holds what,  
7 three thousand pages or so, and it's  
8 chock-full.

9 MS. TYLER: The exact number of pages  
10 of documents is irrelevant, but I'll ask my  
11 question again.

12 BY MS. TYLER:

13 Q When you stated that your concern  
14 that the public health as a paramount concern  
15 is not reflected in the company documents you  
16 reviewed, to clarify the record that you're  
17 talking about the documents that you received  
18 from plaintiffs' counsel?

19 A I'm talking about the documents, yes,  
20 that you now have in your possession.

21 Q Your concern is that public health is  
22 a paramount concern is not reflected in the  
23 documents that you reviewed that you received  
24 from plaintiffs' counsel?

25 A That is my opinion, yes.

252

1 Q But public health as a paramount  
2 concern could be reflected in other internal  
3 company documents you haven't seen; isn't that  
4 correct?

5 A I can't speculate what's in other  
6 documents. If you'd like to show me some, I  
7 would be happy to look at them.

8 Q But it could be referenced in  
9 documents you haven't seen; correct?

10 A Theoretically, there could be  
11 anything in those documents.

12 I mean given the hypothetical  
13 that your colleague asked before, there could  
14 be all kinds of discussions about all kinds of  
15 things that are not even related to doing  
16 business. I mean I don't know what's in those  
17 documents.

18 Q You testified earlier that the  
19 American public needs to have additional  
20 information including attitudes and beliefs of  
21 people who sell the products that they buy.

22 Do you recall that testimony?

23 A I recall the testimony you're  
24 referring to, yes.

25 Q Does that just hold true for the

1 tobacco industry?

2 A I think it is important for people to  
3 understand what people believe about the  
4 dangers and the healthfulness about the  
5 product the people are selling.

6 I think it is important that  
7 people understand that when they're consumers  
8 and they go in to buy a product.

9 Q Do you believe that the American  
10 public should have information about the  
11 attitudes and beliefs of the people who work  
12 at the pharmaceutical companies?

13 A I think in some respects we're  
14 overstating the claim here because what I'm  
15 really specifically concerned with is their  
16 attitudes and beliefs about the qualities of  
17 their product.

18 Do I think that is important in  
19 the pharmaceutical industry if a CEO knowingly  
20 sells a product that they know will kill  
21 people and they represent the non-neglect, I  
22 believe that we have legal redress for it. I  
23 think that is probably inappropriate.

24 In this particular case, I don't  
25 know that they need to know every attitude and

1 belief and value of all the people that work  
2 for the tobacco companies, but I do think they  
3 have a right to know about what they truly  
4 believe to be the health impact of those  
5 products and the addictive impact of those  
6 products and what they truly believe to be the  
7 nature of their role in whether youth begin to  
8 smoke or not.

9 Q Well, do you believe that  
10 corporations that produce consumer products,  
11 do you believe that employees that work at  
12 companies that produce consumer products  
13 discuss the quality of the products that they  
14 produce probably every day?

15 A Some employees will and some  
16 employees won't.

17 Q When they are discussing the quality  
18 of their products, they might be discussing  
19 the potential impact on health of those  
20 products; correct?

21 A Well, we're talking about generic  
22 conversation, and I guess I would  
23 differentiate people talking in the restroom  
24 versus a manager or a scientist writing a  
25 particular memo knowing that those memos

1 constitute official company documents. That's  
2 a very different issue.

3 So I don't want to simply  
4 broadly talk about all the interactions that  
5 people have as being in some way equivalent  
6 because that would not be the case.

7 Q Professor, how do you define an  
8 official company memo?

9           A     I think if a memo is sent from one  
10 executive to another or if a document is  
11 related to the official conduct of the  
12 business and it's committed to paper, then  
13 that becomes an official company document.  
14           Q     Is there a level of seniority that is  
15 required for something to become an official  
16 company memo?  
17           A     Probably not. It would depend on the  
18 structure of the company.  
19           Q     So a secretary could write a memo  
20 about an issue, and it would be an official  
21 company document?  
22           A     I think that if a secretary writes a  
23 memo and it was germane to something that  
24 people needed to know about, then that memo  
25 should surface.

256

1           Q     So if a secretary wrote a memo, a  
2 secretary employed at a pharmaceutical company  
3 wrote a memo to another secretary saying that  
4 she thinks that a drug that they're  
5 manufacturing is dangerous, is that an  
6 official company memo?  
7           A     Well, again, as I talked about it, it  
8 depends on the structure of the company, and  
9 it depends on the nature of the memo, and it  
10 depends on the kind of situation we're talking  
11 about.  
12                     The difficulty with dealing with  
13 a broadly generic hypothetical is that  
14 individual companies and individual  
15 industries, they all have their own particular  
16 context, and I would really need a more  
17 specific example.  
18                     I don't recall at this  
19 particular moment having done any analysis  
20 recently of the structure of pharmaceutical  
21 companies, so it's difficult for me to answer  
22 that.  
23           Q     What analysis have you done of the  
24 structure of the tobacco industry?  
25           A     I have looked at the documents, and I

257

1 have looked at the linkages between the  
2 Tobacco Institute, the TIRC and the CTR and  
3 their relationship to the other tobacco  
4 companies.  
5                     I certainly have looked at the  
6 relative market positions of companies such as  
7 Philip Morris and R.J. Reynolds and Lorillard  
8 and the other companies and how that has gone  
9 on and the kinds of activities they have  
10 engaged in in terms of lobbying.  
11                     I have not specifically looked  
12 at the organizational structures of those  
13 companies.  
14           Q     So you really don't understand the  
15 context inside the tobacco companies in which  
16 some of these documents might have been  
17 created?

18           A     I think that the answer to that is  
19     complex.  
20                     I understand the context in the  
21     sense that a lot of these memos are stamped  
22     "confidential." Clearly they don't want other  
23     people to know them. Many of these memos are  
24     written by scientists and they are expressing  
25     their scientific opinion. I'm presuming

258

1     they're not lying to other people.  
2                     Many of these memos are written  
3     by presidents or senior presidents, and some  
4     of the documents I've looked at were the  
5     president of the Tobacco Institute, and they  
6     were official speeches that they had made.  
7                     So, you know, to the best of my  
8     knowledge, the memos I'm looking at are not  
9     ones written by secretaries, not ones written  
10    by people on the factory floor, but they're  
11    written by people in a position to make  
12    decisions and in a position to influence. And  
13    as a consequence we have to take those memos  
14    seriously.  
15                     I would also add that if there  
16    were one or two memos, that might be one  
17    thing. But when there is a whole series of  
18    memos from a variety of people across several  
19    industries, then you begin to see a pattern  
20    that you have to take seriously.  
21                     So in the context of all of that  
22    interaction in terms of not only memos but  
23    speeches that people have given, documents  
24    that have been put out, advertisements that  
25    have been made, when you look at all of those

259

1     you begin to see a communication contextual  
2     pattern, and it's not necessarily linked to  
3     the specific structure of the company.  
4                     Q     Is it your position that any document  
5     which is stamped "confidential" is an official  
6     company memo?  
7                     A     I don't think that's what I'm  
8     claiming. I think what I'm claiming is that,  
9     you know, they're stamping documents  
10    "confidential," and that is one indication of  
11    what they felt the import of that document  
12    was.  
13                     Q     Who is "they," Professor?  
14                     A     The people that stamped it.  
15                     Q     Who are "they"? Do you know who  
16    stamped it "confidential"?  
17                     A     I do not know.  
18                     Q     It could have been a secretary in  
19    fact?  
20                     A     I don't know who stamped them  
21    "confidential."  
22                     Q     Could it have been stamped  
23    "confidential" by a court?  
24                     A     I suppose that's possible. Although  
25    it's my understanding that where the court has

1 stamped on these documents is distinctly  
2 different than where "confidential" is stamped  
3 on the documents.

4 Q You testified that I believe if you  
5 had seen one document perhaps that had  
6 reflected a viewpoint, that would be one  
7 thing, but you think you've seen a pattern of  
8 documents that all seem to reflect the same  
9 thing.

10 I believe we've established that  
11 you haven't seen the universe of documents;  
12 correct?

13 A You say every single document that's  
14 ever been produced by all these companies?  
15 No. I have not seen that.

16 Q So as a matter of fact, what could be  
17 established as a pattern in this box of  
18 documents might not be a pattern if you were  
19 to look at the universe of documents produced  
20 in this litigation; isn't that correct?

21 A If you have other documents you would  
22 like me to look at, I would be happy to look  
23 at those and weave those into my opinion.

24 Q Well, that wasn't my question. My  
25 question was although you've seen a pattern in

1 the context of these documents which have been  
2 produced to you by plaintiffs' counsel and  
3 produced to us as documents you were relying  
4 on, those documents may not constitute a  
5 pattern in the context of the universe of  
6 documents produced by the tobacco industry in  
7 this litigation; isn't that correct?

8 MR. BERLY: Objection, asked and  
9 answered.

10 He has told you and Mr. Purvis I  
11 don't know how many times if you've got  
12 documents that you think bear on these issues  
13 that are relevant, he has invited you to show  
14 them to him.

15 Rather than hiding them, keeping  
16 them from us, keeping them from him, keeping  
17 them from the public, he has invited you both  
18 time and time again, please show it to him, he  
19 is happy to look at them. I am too for that  
20 matter.

21 MS. TYLER: I object to your  
22 testifying, sir.

23 MR. BERLY: I object to your  
24 repetitive questions.

25 MS. TYLER: Can you answer the

1 question?

2 THE WITNESS: Restate the question.

3 MS. TYLER: Would you read back the  
4 question, please, Court Reporter?

5 (WHEREUPON said record was  
6 read as requested.)

7 THE WITNESS: Well, I think in part I  
8 want to recall in the documents that I have



9 looked at there are the editorials by Senator  
10 Barry Goldwater and by former President Jimmy  
11 Carter who have said in their specific sense  
12 in their dealings with the tobacco companies  
13 that they were lied to and they were lied to  
14 consistently and that they shouldn't be  
15 trusted.

16 So it's not simply the internal  
17 memos on which I base that. It's also the  
18 opinion of two respected former leaders.

19 In addition, when I looked at  
20 the Journal of American Medical Association  
21 documents, they were reviewed by several other  
22 researchers, and I talked about looking at  
23 their expert opinion and taking their expert  
24 opinion seriously, and they of course have  
25 looked at some documents that I have not.

263

1 So I have not simply relied on  
2 the specific documents. I've also relied on  
3 the analysis of other people who have looked  
4 at some of these other documents.

5 In addition, in these documents  
6 there are books and excerpts of books of other  
7 people who have looked at other documents that  
8 I haven't looked at that draw a similar and  
9 consistent conclusion.

10 So the answer to that is it's  
11 not solely relying on the specific amount of  
12 internal memos. It's also about other expert  
13 opinion of other people who have looked at  
14 these documents as well.

15 BY MS. TYLER:

16 Q I believe in answer to one of  
17 Mr. Purvis' questions regarding your expert  
18 disclosure and the means by which the industry  
19 has engaged in what you consider fraudulent  
20 and deceptive practices, you referred to a  
21 document, a presentation, made to an  
22 individual named Hammish Maxwell where there  
23 was a discussion of the need to promote social  
24 acceptability.

25 Do you recall that testimony?

264

1 A I remember talking about that  
2 particular document, yes.

3 Q For what purpose do you intend to  
4 rely on that document?

5 A I think I discussed that earlier.

6 To the best of my recollection,  
7 in part it shows what they felt is that they  
8 needed to engage in a particular promotional  
9 program in order to bolster and strengthen the  
10 social acceptability of smoking.

11 In fact, I think there's  
12 handwriting on the front of the document by  
13 somebody, and my sense is that it's from  
14 Maxwell himself saying that this is really the  
15 best idea that they've had come along in a  
16 long time and that they needed to do that.

17 I also think that's bolstered by

18 the strategic planning documents that indicate  
19 that they are deliberately trying to promote  
20 social acceptability because otherwise they're  
21 concerned without this particular effort by  
22 the tobacco industry that public opinion will  
23 erode on its own and it will become socially  
24 unacceptable. And of course particularly  
25 important there is their concern that

265

1 adolescents might no longer think of it as a  
2 socially acceptable practice.  
3 MS. TYLER: I'm showing you what  
4 we're going to mark as Parrish-Sprowl Exhibit  
5 5. Would you take a look at that document,  
6 Professor?  
7 (WHEREUPON Deposition Exhibit  
8 No. 5 was marked as of  
9 3/25/97.)  
10 BY MS. TYLER:  
11 Q Do you rely on that document to  
12 support your opinion that the tobacco industry  
13 engaged in propaganda? (Document tendered to  
14 the witness.)  
15 A Let me look at it first, please,  
16 before I answer the question. Thank you.  
17 Q As you're reading through it, I'll  
18 just remind you my question is do you intend  
19 to rely on it to support your opinion that the  
20 tobacco industry has engaged in propaganda.  
21 A Again, I think as I pointed out  
22 earlier, all of the documents are pieces in a  
23 puzzle. So this is an important piece of the  
24 puzzle. So it is one of the documents that I  
25 will be using in making my analysis, yes.

266

1 Q Do you plan to rely on it to support  
2 your opinions in this case?  
3 A Again, it's one of the many pieces of  
4 the puzzle. It's one of the many documents  
5 that I will use, and I will use it in  
6 conjunction with several other documents to  
7 formulate my opinion.  
8 Q So you won't rely on it, or you will  
9 rely on it?  
10 A As I said, I will use this document  
11 along with several other documents in support  
12 of my opinion.  
13 Q Is there a reason you don't want to  
14 use the word "rely"?  
15 A I think from my point of view there's  
16 an implication here that I'm somehow going to  
17 have a singular relationship with this  
18 document and my opinion.  
19 What I want to make clear is  
20 this document fits with other documents, and I  
21 want to look at those documents in a more  
22 holistic sense rather than trying to isolate  
23 out a particular document.  
24 So my concern with that is that  
25 that statement might mean to imply that

1 somehow there's some singularity about this  
2 document. What I want to suggest is that it  
3 fits in a pattern with other documents and it  
4 fits along with other documents and that I  
5 want them to be looked at in a complex total,  
6 not simply in isolation.

7 Q I never meant to imply a singular  
8 relationship. I was just asking if you  
9 planned to rely on it, perhaps with other  
10 documents, but do you plan to rely on it?

11 A I'll stick with the answer. I will  
12 use this document along with other documents.

13 Q Professor, who wrote that document?

14 A I'm not quite certain who the author  
15 is.

16 Q Do you know what company they worked  
17 for?

18 A It's a presentation to Hammish  
19 Maxwell. I would presume it's Philip Morris.

20 Q So you would presume that the author  
21 of that document works at Philip Morris just  
22 because it was directed to Hammish Maxwell?

23 A I presume that they are at least  
24 employed for the purposes of serving Philip  
25 Morris. It may well be a consultant document,

1 but it certainly is a presentation to one of  
2 the leaders of the company.

3 So in that sense it's at least  
4 an indirect employee, if not a direct  
5 employee, and it is a document designed for  
6 that particular person's consumption.

7 Q So you don't know if the author of  
8 this document worked directly at Philip Morris  
9 or worked with a consulting firm for Philip  
10 Morris or in fact worked for another entity;  
11 is that correct?

12 A That would be correct.

13 Q Do you know whose handwriting that is  
14 on the first page?

15 A It has some signature data, but I'd  
16 have to look at some other documents to see if  
17 there's a match to determine whom I thought  
18 wrote that.

19 Q Is it your testimony you'd want to do  
20 some sort of handwriting analysis to determine  
21 whose handwriting that was?

22 A It's not about handwriting analysis  
23 per se.

24 Since it's an initialed  
25 document, you'd want to see if other people

1 initialed their documents with the same  
2 initials in the same way.

3 There may not be any other  
4 record of that. I don't want to imply some  
5 kind of a particular handwriting analysis.  
6 It's just you want to see if somebody has  
7 signed their name that way before.

8 Q But it doesn't reflect on the

9 document whose handwriting that is; does it?  
10 A Well, it has a signature at the end  
11 and it has some initials at the end of the  
12 document, and in that sense it does reflect  
13 who it is, but I'm not certain whose that is  
14 at this point in time.  
15 Q As a matter of fact, there is  
16 handwriting all throughout that document;  
17 isn't that correct?  
18 A There is additional handwriting in  
19 the document, correct.  
20 Q Do you know whose handwriting that  
21 is?  
22 A No. I do not.  
23 Q Do you even know that that's the same  
24 handwriting, that that handwriting belongs to  
25 the same person as the handwriting on the

270

1 first page belongs to?  
2 A No, I don't.  
3 Q Professor Sprowl, do you believe that  
4 the process of communication can be  
5 controlled?  
6 A Again, I'm sorry, it's  
7 Parrish-Sprowl.  
8 Q Professor Parrish-Sprowl. I  
9 apologize.  
10 A That the process of communication can  
11 be controlled? That would depend on how you  
12 define the process of communication.  
13 There are communicative acts  
14 that can be controlled in particular kinds of  
15 ways depending on how you use the term  
16 "control."  
17 We're stepping into an area now  
18 where there's a lot of theoretical discussion  
19 about that, and we might have a different  
20 discussion if we're talking in a graduate  
21 theories class versus if we're talking about  
22 an applied kind of context.  
23 Q Well, let me ask you this: In light  
24 of the fact that people engage in  
25 interpersonal communication, would you agree

271

1 that controlling the process of communication  
2 is impossible?  
3 A Again, I mean in a theoretical sense  
4 I might have an answer that might be of a  
5 different sort than if I'm talking in an  
6 applied sense and depending on how people are  
7 talking about the communication process and  
8 whether it can be controlled or not.  
9 I can give specific examples if  
10 you would like.  
11 Q Is it your testimony that in the  
12 theoretical context your answer to that  
13 question would be different than from an  
14 applied context?  
15 A Well, in a theoretical sense if we  
16 think about the process of communication,  
17 first of all, it depends on whose definition

18 of the process of communication we're talking  
19 about.  
20 If you look at Burlow's SMCR  
21 model, then there are people who would argue  
22 that you can control aspects of that  
23 communication process.  
24 If you're looking at a sort of  
25 contemporary social constructionist's

272

1 perspective, then no, one would argue you  
2 cannot control it, you can only influence  
3 aspects of that process. So in part we're  
4 dealing with theoretical distinctions here.  
5 But in an applied kind of  
6 situation if you go into an organization if  
7 you're talking about advertising and somebody  
8 refers to their communication as say a  
9 newsletter or an advertising and we want to  
10 control the dissemination of that in the sense  
11 of we want to have an initial mailing go to  
12 certain people or we want to make sure that  
13 certain people see this particular document,  
14 then in that sense you can control the  
15 communication, and that's a specific applied  
16 kind of way that we might use that particular  
17 phrase. So it's real important to qualify it  
18 in what way you're using that particular  
19 phrase.  
20 Q Well, actually I believe you used the  
21 phrase in Chapter 9 of Development Social  
22 Change Communication. The chapter was  
23 entitled Communication, Organizational  
24 Management, and Industrial Development.  
25 You stated "since change arises

273

1 from conversation, its control is probably  
2 impossible without the cessation of people  
3 engaging each other in talk."  
4 A It would be helpful to me to look at  
5 the paragraphs around what I said there to  
6 make certain whether I'm talking about a  
7 theoretical or applied, and I'll be happy to  
8 answer that.  
9 Q Do you not recall?  
10 A I recall. But as I pointed out, I  
11 have used the term in different situations a  
12 different way. And taking that sentence out  
13 of context, I want to look at it in the  
14 context of the paragraph it's in, and then  
15 I'll be happy to answer your question.  
16 (WHEREUPON Deposition Exhibit  
17 No. 6 was marked as of  
18 3/25/97.)  
19 BY MS. TYLER:  
20 Q You just have been handed what is  
21 going to be marked as Parrish-Sprowl Exhibit  
22 No. 6, which is Chapter 9 from Development  
23 Social Change Communication. (Document  
24 tendered to the witness.)  
25 Professor, I will represent to

1 you that that statement appears on Page 186.  
2 A Pardon me. What was the page number  
3 again?  
4 Q 186.  
5 A Which particular statement, would you  
6 refresh my memory?  
7 Q At the bottom of the first full  
8 paragraph under the heading "Process."  
9 A Okay. I see it. Thank you.  
10 Q You state "Since change arises from  
11 conversation, however its control is probably  
12 impossible without the cessation of people  
13 engaging each other in talk."  
14 A Yeah. As I pointed out before, in a  
15 social constructionist framework, which is  
16 what this is taking, then the idea of  
17 controlling the process would not be the case.  
18 What I'm trying to do in this  
19 particular article was talk about that  
20 theoretical notion and trying to relate it to  
21 an applied way which is very different, as I  
22 pointed out, than somebody who uses an SMCR  
23 model when they might talk about control of  
24 communication.  
25 So in part I have to consider my

1 audience. In this particular case, we're  
2 talking about a social constructionist's  
3 perspective of the communication process that  
4 is conceptually quite different from the SMCR  
5 notion of process of communication. And in  
6 that particular sense, you would not be able  
7 to control.  
8 If I were in an applied  
9 situation where somebody is operating with the  
10 SMCR model and I understand that and they talk  
11 about control of communication, then I can  
12 understand that they may well mean that  
13 particular statement.  
14 Q So in the context in which this  
15 sentence is written, do you agree with the  
16 statement?  
17 A In the context in which it's written,  
18 yes, I agree with it.  
19 Q Professor Parrish-Sprowl, do you  
20 believe that multiple discourses are  
21 characteristic of the communication process?  
22 A Yes, I do.  
23 Q You mentioned that propaganda is  
24 often characterized by fraudulent and  
25 deceptive aspects; isn't that correct?

1 A I'm saying that when that term is  
2 used in the general public, that's the  
3 implication. And I used that term in this  
4 particular way as a sense of distinguishing it  
5 from a broader notion of a persuasive  
6 campaign, yes.  
7 Q Do you believe that people can have  
8 differing opinions and both be correct?

9           A     Well, in the sense of within a  
10     context and within particular sense of defined  
11     meanings, that would be difficult. Outside of  
12     particular context and within different  
13     defined meanings, then that would be a true  
14     statement.

15          Q     Well, for example, two individuals  
16     could be talking about a word and one might  
17     construe a word one way and one might construe  
18     the word another way, and as they both make  
19     statements about that word they might differ  
20     but they both might also be correct based on  
21     their definition of that word; isn't that  
22     correct?

23          A     Well, that's not really the kind of  
24     situation that I'm talking about.

25                     I'm really talking about

277

1     something in a theoretical sense which is much  
2     more complex than that particular example  
3     would allude to.

4          Q     Could you answer it in the context of  
5     my suggestion?

6          A     If you could give me some more  
7     specific detail, then I will attempt to do  
8     that.

9          Q     Well, why don't we use the word  
10     "persuasion." One person has one definition  
11     of persuasion and another person has a  
12     different definition of persuasion. Both make  
13     statements based on their definition of  
14     persuasion. Those statements don't agree, but  
15     one is not necessarily correct and the other  
16     incorrect; isn't that right?

17          A     Well, the decision about whether one  
18     is correct or incorrect depends on who's doing  
19     the deciding about whether it's correct or  
20     incorrect.

21                     For example, in a context if I'm  
22     teaching a particular course on persuasion and  
23     I say for purposes of this course the  
24     definition of persuasion will be "X." Then  
25     when I get an exam, I fully expect people to

278

1     tell me what that particular definition is  
2     because that's what we're using in that  
3     particular context.

4                     So yes, there is some decision  
5     there about what the correct definition of  
6     that term is and it's defined in that  
7     particular context.

8                     Now, if you're talking about an  
9     academic debate about two different  
10     academicians talking about different  
11     theoretical precepts about that and there's no  
12     particular governing body who's going to  
13     decide which is correct or which is not, in  
14     fact maybe the governing body is encouraging  
15     different definitions for purposes of  
16     intellectual exploration, then it would be the  
17     case that they would both agree to disagree,

18 that neither one would argue that the other is  
19 correct.  
20 Q Do you believe that there could be  
21 more than one version of the truth?  
22 A Well, again, that's complex.  
23 If we look at in different  
24 discourses that sometimes there is different  
25 definitions of what constitutes the truth.

279

1 Within the same discourse part of what defines  
2 that discourse is a reasonably consistent  
3 belief structure amongst the people in that  
4 speech community as to what constitutes the  
5 truth.  
6 Q Do you agree that multiple versions  
7 of the truth are both useful and inevitable?  
8 A I think in a global context and  
9 certainly in an academic context I think that  
10 I would agree with that.  
11 If we're talking about a  
12 specific situation where that's going to  
13 create serious difficulties with people, one  
14 of the things we have a tendency to do is to  
15 sort out what constitutes the truth.  
16 Q How do you do that?  
17 A We usually do that through some  
18 discursive process that fits the particular  
19 society or speech community that we live in.  
20 Judicial system is one way that  
21 we do that. Mediation or alternative dispute  
22 resolution is another way that we do that.  
23 Scientific investigation is another way that  
24 we do that. Literary exploration is another  
25 way that we do that. Negotiating is another

280

1 way that we do that. We have a variety of  
2 ways in which we might do that.  
3 Q Do you believe that the tobacco  
4 industry currently serves the needs of  
5 Americans?  
6 A Well, Americans have all kinds of  
7 needs that have nothing to do with tobacco.  
8 I mean it doesn't feed  
9 Americans, it doesn't house Americans, it  
10 doesn't clothe Americans. And those are all  
11 needs that Americans have. So I mean in that  
12 sense I think that's an overgeneralized  
13 statement.  
14 Q Well, it's just a question.  
15 So is it your testimony that the  
16 tobacco industry does not serve the needs of  
17 Americans?  
18 A I don't understand.  
19 I don't mean to belittle your  
20 statement. But if you're saying that tobacco  
21 is the singular thing that would serve all the  
22 needs of all Americans, I don't really think  
23 you would want to make that statement because  
24 I mean we're sitting here in a building and  
25 we're all sitting here with clothes on that



1 have nothing to do with the tobacco industry,  
2 and they certainly fill some needs for us.

3 So that's not the kind of  
4 statement that makes sense to me.

5 Q Do you think the tobacco industry  
6 serves any needs of Americans?

7 A I think it serves the needs of people  
8 who are addicted to tobacco.

9 Q Is that the only need that the  
10 tobacco industry serves?

11 A I think that's the primary need that  
12 the tobacco industry serves.

13 Q Do you believe that the tobacco  
14 industry should fade away?

15 A I'm sorry? I didn't hear that.

16 Q Do you believe that the tobacco  
17 industry should fade away?

18 A That's a hypothetical kind of  
19 question because industries can fade away or  
20 they can end abruptly. I really think that  
21 actually the outcome of the various lawsuits  
22 of which this deposition is a part is going to  
23 determine the future of this. So I don't know  
24 what's going to happen with the tobacco  
25 industry.

1 Q Well, I'm asking you what you think.

2 A Well, and I haven't really, again, I  
3 don't know what's going to happen with it.  
4 That's broadly speculative about what the  
5 nature of the future is going to be like, and  
6 I'd have to really think about it.

7 If the tobacco industry were to  
8 go away, should it end abruptly, should it  
9 fade away? If it faded away, would it fade  
10 away over a lot of years? I mean, you know,  
11 that's a very difficult kind of question to  
12 answer, particularly in the context of the  
13 proceedings that we have.

14 Q Professor, would you like the tobacco  
15 industry to end whether it's through a means  
16 of fading away or ending abruptly?

17 A I haven't really spent a lot of time  
18 considering that opinion.

19 I think given the context of  
20 what we're talking about here, that would be  
21 important, so I would have to think about  
22 that.

23 Q If you could take another look at  
24 Parrish-Sprowl Exhibit No. 7 on Page 88.

25 A The problem is I only have up

1 through 6.

2 Q Oh, I apologize.

3 A Do you mean 6?

4 Q I mean 6.

5 A Okay.

6 Q On Page 188. In the second full  
7 paragraph in the middle of that paragraph you  
8 wrote "businesses which no longer serve the

9 needs of citizens whether because of absolute  
10 products, high cost, or some other social ill,  
11 need to be allowed to gracefully fade away."  
12 A Let's see here --  
13 Q Second full paragraph.  
14 A You said 188?  
15 Q Uh-huh. It's the paragraph that  
16 starts "In addition to capital access."  
17 A We have some kind of problem here.  
18 What's the first word that you have on 188?  
19 Q "Environment."  
20 A Then we're okay. Oh, I'm sorry. I  
21 was in the first full paragraph. My  
22 apologies.  
23 Q Do you see where I'm reading,  
24 Professor?  
25 A Yes, I do. Thank you.

284

1 Q Professor, do you put the tobacco  
2 industry in that category of businesses which  
3 no longer serve the needs of citizens and need  
4 to be allowed to gracefully fade away?  
5 MR. BERLY: Let me just object and  
6 say we're not offering him as a regulatory  
7 expert.  
8 I mean he is not of the FTC or  
9 the FDA. He's a communications expert, and I  
10 don't think we plan to offer him to tell us  
11 what we think ought to be done by way of  
12 regulation of tobacco products.  
13 MS. TYLER: Well, I appreciate your  
14 testimony, Andy, but this I'm reading from a  
15 chapter that he authored where he takes the  
16 position about businesses that no longer serve  
17 the needs of citizens, and he's taking the  
18 position as to what he thinks should happen to  
19 them.  
20 I'm simply asking where the  
21 tobacco industry fits within that opinion.  
22 THE WITNESS: I missed the whole  
23 thing. Please restate the question, and then  
24 I'll be happy to answer.  
25

285

1 BY MS. TYLER:  
2 Q Professor, where does the tobacco  
3 industry fit in that opinion?  
4 Do you believe the tobacco  
5 industry is a business which no longer serves  
6 the needs of citizens and needs to be allowed  
7 to gracefully fade away?  
8 A Again, I think the answer to that is  
9 complex. If it no longer serves the needs of  
10 citizens, then it probably will go away.  
11 And really in the context here  
12 what I'm talking about is economic structures,  
13 and you're looking at the kind of economic  
14 structures that allow for companies to declare  
15 bankruptcies, allow for companies to close the  
16 doors, that you don't find in a command and  
17 control economy for example.

18 In a command and control economy  
19 industries don't necessarily go away because  
20 they're not predicated on market demand or  
21 market concern. So in this particular  
22 context, I'm making that kind of comparison.  
23 In this particular situation,  
24 this particular situation is not what I think  
25 I'm referring to when I write that sentence in

286

1 this particular article.  
2 Q Well, I'm not asking you what you  
3 think is going to happen. I'm asking you what  
4 you think should happen.  
5 MR. BERLY: Same objection.  
6 You're asking him questions  
7 about an area that we're not offering him to  
8 testify about. He is not a regulatory expert.  
9 MS. TYLER: Does he not intend to  
10 rely on his own writings in this textbook?  
11 BY MS. TYLER:  
12 Q Do you intend to rely on Chapter 9 in  
13 this textbook to support your opinions in this  
14 case?  
15 A I think, as I said, in this  
16 particular chapter I'm not writing about these  
17 particular kinds of situations.  
18 So this chapter, and I don't  
19 talk about the tobacco industry to the best of  
20 my knowledge in this particular chapter, and I  
21 would have to really sit around and consider  
22 the issue of what should happen in the future.  
23 I didn't come prepared today to  
24 talk about what should happen in the future.  
25 I came today to talk about what I think has

287

1 happened up to this point in time.  
2 Q Based on what you know, based on all  
3 of your research as to what has happened up to  
4 this point in time, do you have a position on  
5 whether or not the tobacco industry should be  
6 allowed to fade away?  
7 MR. BERLY: Objection, asked and  
8 answered at least three if not four times.  
9 MS. TYLER: You can answer.  
10 THE WITNESS: What I'm saying is that  
11 I'm not here today to discuss what should  
12 happen in the future with this particular  
13 industry.  
14 If I were to render an opinion  
15 about that issue, I would have to think about  
16 it carefully because I'm not here today to  
17 render opinions off the top of my head. I'm  
18 here to render opinions based upon thorough  
19 analysis.  
20 What I've analyzed is what's  
21 happened up to this time. What I haven't  
22 thought about is seriously what's going to  
23 happen in the future because that's really not  
24 the issue that's germane to what I'm doing.  
25

1 BY MS. TYLER:  
2 Q Professor, earlier in your testimony  
3 you referenced the frank statement to  
4 cigarette smokers.  
5 Is the frank statement a form of  
6 issues advertising?  
7 A Do we have a copy of the frank  
8 statement here? I'd like to look at that  
9 again, if I may.  
10 Q I don't have one handy.  
11 MR. BERLY: There would be one in  
12 that box. My recollection is it's printed in  
13 the JAMA articles.  
14 MS. TYLER: Well, I would represent  
15 to you it's going to take quite a while.  
16 Those documents are not sequentially Bates  
17 stamped. So I'll go ahead and just ask the  
18 question.  
19 MR. BERLY: Well, he's asked to see  
20 it, and he certainly has a right to see it.  
21 If you want to ask him questions about it,  
22 it's unfair to try to take advantage of a  
23 witness asking him questions about a document  
24 that you won't give him.  
25 MS. TYLER: I didn't say I wouldn't

1 give it to him.  
2 BY MS. TYLER:  
3 Q Is it your position that you can't  
4 answer the question about whether or not the  
5 frank statement is an example of issues  
6 advertisement unless you see it?  
7 A It would be more comfortable for me  
8 to reread what the frank statement is about in  
9 the context.  
10 I've already had one particular  
11 moment today when I tried to recall, and I  
12 don't remember the specific wording, and it  
13 would be real helpful if I did that before I  
14 render a decision whether it's issues  
15 advertising or whether it's product  
16 advertising.  
17 MS. TYLER: Why don't we take a  
18 break, and I will locate the document.  
19 THE VIDEOGRAPHER: The time is  
20 3:58 p.m., and we are going off the record.  
21 (WHEREUPON a recess was  
22 taken.)  
23 THE VIDEOGRAPHER: The time is  
24 4:06 p.m., and we are back on the record.  
25

1 (WHEREUPON Deposition Exhibit  
2 No. 7 was marked as of  
3 3/25/97.)  
4 BY MS. TYLER:  
5 Q Professor, I have placed in front of  
6 you Parrish-Sprowl Exhibit No. 7 which is a  
7 copy of the frank statement to cigarette  
8 smokers. (Document tendered to the witness.)

9 My question before we broke was  
10 is the frank statement a form of issues  
11 advertising?

12 A I might consider this one of a gray  
13 area advertisement because they do indeed deal  
14 with issues in this particular document, but  
15 they also are trying to reassure the people  
16 that the products they're buying are okay and  
17 that they should continue to buy those  
18 products.

19 So in that particular case they  
20 are encouraging people to buy a product, and  
21 one would suggest by the sponsors that are  
22 listed below at the same time they're asking  
23 people to take a particular position on a  
24 given issue. So I think both of those issues  
25 are in the frank statement.

291

1 Q So do you consider it a form of  
2 issues advertising in addition to product  
3 advertising?

4 A I think that it is characterized as a  
5 form of issues advertising. I think it is  
6 part of the campaign of doubt that they  
7 executed, they conceived so brilliantly and  
8 executed so well.

9 In other words, what I think  
10 they're trying to do is establish that there  
11 is an issue because everybody else is  
12 suggesting that there's not an issue in this  
13 particular case.

14 So in that particular sense  
15 they're trying to create a notion of an issue,  
16 and this is the first amongst many things that  
17 they did in order to do that. And I think  
18 that many of the documents speak to this as  
19 being part of that particular stream of  
20 activity over the course of several decades.

21 Q I guess I'm just trying to understand  
22 your answer.

23 Is it your testimony that it is  
24 a form of issues advertising?

25 A I think if I call it, just simply

292

1 agree with you and say that it's issues  
2 advertising then I think that can be construed  
3 as establishing that there is an issue, and  
4 that's part of how this disinformation  
5 campaign works because what it tries to do is  
6 to suggest to the people who read it that  
7 there is, in fact, an issue when many people  
8 could argue that there should have been no  
9 issue, that the tobacco company shouldn't have  
10 been trying to create their side of the  
11 controversy.

12 So in that particular sense, one  
13 could argue that it's a false issues  
14 advertisement, and I think in the context of  
15 all that's happened that that would be a  
16 reasonable way to classify it.

17 Q Well, Professor, in 1954 was it

18 proven that cigarette smoking caused lung  
19 cancer?  
20 A Well, I think to the satisfaction of  
21 many, it was proven. I think that what the  
22 industry was trying to suggest is that it is  
23 not.  
24 Q To the satisfaction of many, to the  
25 satisfaction of whom?

293

1 A People who have been doing the  
2 research, people who accepted the research at  
3 the time.  
4 Q Can you name those scientists?  
5 A Let's see, I believe there was a  
6 study by Wender. I believe there was a study  
7 including somebody named Horn or Dahl. I  
8 don't remember all the specific researchers  
9 that had been doing studies related to the  
10 linkage between health problems and tobacco.  
11 Q Do you recall the date of the Surgeon  
12 General's first report on cigarette smoking  
13 and health?  
14 A I believe it was in 1964.  
15 Q Professor, did Earnest Wender think  
16 it had been proven that cigarette smoking  
17 caused lung cancer in 1954?  
18 MR. BERLY: I'm just going to object  
19 because you're getting a bit far afield asking  
20 him now sort of medical historian related  
21 questions, and I don't know that he's  
22 qualified, and in fact, I don't believe he is,  
23 to be giving you medical history  
24 state-of-the-art type answers.  
25 MS. TYLER: Well, I think the problem

294

1 we're having here is that the professor has  
2 testified that the frank statement discussed  
3 or put something at issue that he is  
4 maintaining was not at issue when the frank  
5 statement was published on January 4, 1954.  
6 The reason for my questions, I'm  
7 trying to determine on what basis he believes  
8 there was no issue of fact with respect to  
9 whether or not cigarette smoking caused lung  
10 cancer.  
11 MR. BERLY: Well, I think you've  
12 misstated his testimony. I think he said it  
13 was the first step in the effort to create  
14 doubt.  
15 Maybe start all over and ask  
16 him, but he can't give you medical opinions  
17 for sure. We know that.  
18 BY MS. TYLER:  
19 Q Well, my question was whether or not  
20 the frank statement was a form of issues  
21 advertising.  
22 A I understand that, and it's very much  
23 like the problem we had when you asked me if I  
24 was relying on a particular document.  
25 I'm not trying to be

1 uncooperative. What I'm trying to say is the  
2 way that those things are stated I think they  
3 make implications that I certainly don't want  
4 to make clear are not there.

5 As I've said before, each of the  
6 documents that I look at are part of a piece  
7 of a puzzle. A frank statement is part of a  
8 piece of puzzle.

9 I believe in the memo when they  
10 talked about the strategy to develop a  
11 campaign of doubt and they talked about that  
12 over twenty years, that they marked the frank  
13 statement as being the beginning of that  
14 campaign.

15 In the context of all of the  
16 information that I read, then I would argue  
17 that this is a false issue advertisement, that  
18 they were trying to create that doubt when the  
19 corpus of opinion would suggest as we look at  
20 all the documents that that issue of doubt  
21 should never have been raised.

22 Q Is it your opinion that the frank  
23 statement to cigarette smokers is a piece of  
24 propaganda?

25 A Well, again, you know, you're trying

1 to identify a particular piece when it's part  
2 of a whole puzzle. So it's part of a piece of  
3 a puzzle.

4 I do think that it is part of a  
5 propaganda campaign. I generally wouldn't  
6 refer to a piece of propaganda. I would refer  
7 to something as being part of the total  
8 campaign.

9 Q Professor, is all issues advertising  
10 propaganda?

11 A Not necessarily.

12 Q Is all propaganda issues advertising?

13 A Not necessarily.

14 Q What is the frank statement an  
15 example of in your opinion?

16 A Well, I think in part a frank  
17 statement is an example of a document that is  
18 false because, and again, we go back to the  
19 issue of where they say in here that we accept  
20 an interest in people's health as a basic  
21 responsibility paramount to every other  
22 consideration in our business, but when we  
23 look at their other documents what they say is  
24 what's a paramount consideration in their  
25 business is profit and growth.

1 So what they're saying  
2 internally to themselves and what they're  
3 saying to their shareholders is at odds with  
4 this particular statement. And I think they  
5 were trying to suggest to people in this  
6 rather directly that they were far more  
7 concerned about their health than they were  
8 about profit. But when they talk amongst

9 themselves, they're far more concerned about  
10 profit than they are about peoples' health.  
11 In fact, there was another  
12 document where they talk about attempting to  
13 figure out, when they look at smokers who were  
14 thinking of quitting how they could get them  
15 to smoke a little bit longer so that they  
16 could keep them in the market longer and maybe  
17 even get them to not quit altogether.  
18 That kind of discussion  
19 internally is at odds with the statement that  
20 they make. So I think based on that and other  
21 issues that this is a false and misleading  
22 document.  
23 Q So when you characterized the  
24 internal discussions going on at the tobacco  
25 companies, you're basing that characterization

298

1 on the internal company documents that you've  
2 been provided with from plaintiffs' counsel;  
3 is that correct?  
4 A Well, it's not only internal  
5 discussions. I want to go back to what I said  
6 before. That, first of all, when you look at  
7 a statement, an annual report, that goes out  
8 to all the shareholders and so forth. So  
9 that's not simply an internal discussion in  
10 the sense that that term might imply. That's  
11 a little bit broader.  
12 I think secondly there are the  
13 analysis by the authors in the Journal of  
14 American Medical Association who draw the same  
15 conclusions.  
16 Third, I think that fits with  
17 the tenor of the conclusions of both former  
18 President Carter and former Senator and  
19 presidential candidate Barry Goldwater both  
20 said about the tobacco industry.  
21 Q Professor, have you reviewed the  
22 annual reports of any of the tobacco companies  
23 in connection with your work in this case?  
24 A The only one I recall offhand is the  
25 one I referred to from RJR.

299

1 Q That's an annual report?  
2 A To the best of my recollection. I  
3 could be mistaken, but I believe it was part  
4 of an annual report.  
5 Q Do you recall the year of this annual  
6 report that you think you might have reviewed?  
7 A No. I do not.  
8 Q You haven't reviewed tobacco industry  
9 annual reports outside of this litigation; is  
10 that correct?  
11 A No. I have not up to this point.  
12 Q Professor, do you think that the  
13 lobbying that the tobacco industry engaged in  
14 was propaganda?  
15 A Again, I think it was part of a  
16 propaganda campaign.  
17 It is important not to look at



18 these elements in isolation. It's important  
19 to look at them in a mosaic of a total  
20 communication, persuasive communication  
21 strategy, and to ask yourself how those  
22 components all fit together to look at the  
23 relationship of how they've interacted with  
24 the various publics they've had to deal with.  
25 I do believe that the public

300

1 relations efforts of the tobacco industry have  
2 been largely part of a propaganda campaign,  
3 yes.

4 Q My question was specifically about  
5 lobbying.

6 A Okay. Lobbying being often times  
7 considered part of public relations as  
8 strategies or activities, I do believe that  
9 the lobbying fits into their propaganda  
10 campaign.

11 Q I would like you to take a look at  
12 Parrish-Sprowl Exhibit No. 8.

13 (WHEREUPON Deposition Exhibit  
14 No. 8 was marked as of  
15 3/25/97.)

16 BY MS. TYLER:

17 Q I will represent to you that that is  
18 Chapter 7 of Organizational Communication  
19 Theory and Behavior. You wrote this chapter.  
20 It is entitled Persuasion In and By  
21 Organizations; is that correct? (Document  
22 tendered to the witness.)

23 A Correct.

24 Q Professor, do you recall when you  
25 wrote this article?

301

1 A Well, I wrote the first draft over  
2 several months of 1994 and into early 1995,  
3 and then I subsequently wrote some revisions  
4 in July and August, and I might have included  
5 September of 1995, maybe October. But roughly  
6 during that time frame.

7 Q Professor, did you write this chapter  
8 before you were contacted by plaintiffs'  
9 counsel?

10 A Yes, I did.

11 Q Did you write it before you ever  
12 considered testifying for the state in this  
13 litigation?

14 A I had absolutely no knowledge about  
15 anything related to this litigation at that  
16 point.

17 Q If you look on Page 184 of that  
18 chapter, you specifically refer to tobacco  
19 industry lobbying.

20 It's in the paragraph on the  
21 left-hand side that starts with the words  
22 "larger organizations."

23 In this paragraph you're  
24 discussing public relations efforts, and you  
25 discuss the claim that "price supports for

1 tobacco growers is an example of a public  
2 policy which some would maintain does not  
3 serve the majority of the public well but  
4 rather the interests of the few at the expense  
5 of the many."

6 In your discussion of lobbying  
7 in this paragraph, you don't use the word  
8 "propaganda"; do you, sir?

9 A No. The word "propaganda" is not in  
10 that paragraph.

11 Q In the last sentence of that  
12 paragraph you write "Consequently, many  
13 believe this to be a policy that reflects  
14 public relations efforts, not public welfare  
15 needs."

16 The term that you use in that  
17 sentence is "public relations," not  
18 propaganda; is that correct?

19 A Well, that's correct, yes.

20 Q Professor, do you believe that  
21 corporate sponsorship of professional sporting  
22 events is propaganda?

23 A Well, again, propaganda is a large  
24 campaign that may include particular aspects  
25 of all areas of marketing including public

1 relations.

2 So to say that sponsorship of a  
3 particular sporting event or a particular  
4 lobbying effort is or is not part of a  
5 propaganda campaign is a particular analysis  
6 to be made.

7 It's not inherently part of a  
8 propaganda campaign, but there is certainly  
9 nothing that excludes it from being part of a  
10 propaganda campaign. In other words, a  
11 propaganda campaign may well use any or all of  
12 these particular techniques.

13 Q Professor, in the context of the  
14 tobacco industry and specifically in the  
15 context of the alleged propaganda campaign of  
16 the tobacco industry, do you consider  
17 corporate sponsorship of professional sporting  
18 events to be part of that campaign of alleged  
19 propaganda?

20 A Yes. I believe that the sponsorship  
21 of sporting events by the tobacco industry is  
22 again one of the pieces of the puzzle related  
23 to their propaganda campaign.

24 Q In the documents that you reviewed in  
25 connection with your work in this case, was

1 there any discussion of corporate sponsorship  
2 of professional sporting events?

3 A I think that there probably was in  
4 the books that I read, but I don't have a  
5 specific recall of a specific issue at this  
6 time.

7 Q You don't recall a specific book or  
8 document or piece of paper that discusses the

9 tobacco industry's sponsorship of professional  
10 sporting events; is that correct?

11 A At this particular time I can't  
12 drudge up the memory. I may go back through  
13 the documents and see that later, but I don't  
14 recall at the moment.

15 Q Well, Professor, in this article that  
16 you wrote in 1995, you specifically refer to  
17 corporate sponsorship of the Virginia Slims  
18 tennis tournament by the tobacco industry, and  
19 I'm referring to the third full paragraph on  
20 Page 184 starting with the words "public  
21 relations."

22 You don't refer, Professor, to  
23 that corporate sponsorship of the Virginia  
24 Slims tennis tournament as propaganda in this  
25 article; do you?

305

1 A Well, in this particular chapter it  
2 is part of a volume that people are going to  
3 use in the classroom. What I'm trying to do  
4 is give people examples of things they might  
5 be doing in public relations. I'm not talking  
6 about propaganda in this particular context.

7 So to answer that question it's  
8 important to recognize the context in which  
9 these things are written, and this is written  
10 as part of an educational effort to talk to  
11 people about what things might represent  
12 public relations.

13 It didn't address the issue one  
14 way or the other of whether these things were  
15 part of a propaganda campaign.

16 Q In fact, it's your position,  
17 Professor, that the context in which discourse  
18 occurs is very, very important; isn't it?

19 A Could you give me some clarification?

20 Q Sure. You just testified that it's  
21 very important to understand the context in  
22 which this statement is made in your article.

23 So I'm just restating. It's  
24 your position that the context in which  
25 statements are made in a document is a very

306

1 important consideration; isn't it?

2 A I think that that would be the case,  
3 yes.

4 Q In fact, the context of documents  
5 within other documents and within other  
6 discourse and other theories is important as  
7 well; isn't it?

8 A I think when we discuss the issue of  
9 context, and I think I understand the leading  
10 of this particular question, as we look at the  
11 particular interaction, again, if there are  
12 other documents that would be inconsistent  
13 with the documents I've looked at, I would be  
14 more than happy to look at those documents  
15 that would suggest that these documents do not  
16 represent the discussions of the people in the  
17 tobacco industry in any kind of

18 straight-forward light.  
19 Q I'm just trying to make sure I  
20 understand your concern that I'm reading this  
21 in the proper context.  
22 A Well, I think the issue here is that  
23 clearly as you've read this chapter, and I  
24 judge from the tabs and the highlighting that  
25 you have, that you know that I'm talking about

307

1 examples of public relations.  
2 I'm not trying to address the  
3 issue one way or the other of whether this is  
4 propaganda. That wasn't my intent when I  
5 wrote this chapter at this particular time.  
6 This chapter wasn't talking per  
7 se about propaganda. Although all of the  
8 techniques that are talked about in this  
9 chapter and the issues of advertising, public  
10 relations, and so forth, are a part of a  
11 propaganda campaign. But they're not  
12 exclusively related to a propaganda campaign.  
13 Q Professor, returning back to my  
14 original question. This paragraph where you  
15 discuss the tobacco industry's sponsorship of  
16 the Virginia Slims tennis tournament, you  
17 refer to that corporate sponsorship activity  
18 as public relations and not propaganda; is  
19 that correct?  
20 A Well, as I said, public relations may  
21 well be part of propaganda. I didn't address  
22 that issue in this article one way or the  
23 other.  
24 Q You discussed the tobacco industry in  
25 this article, but in fact the word

308

1 "propaganda" does not appear in this article;  
2 is that correct?  
3 A It was not my intent in this article  
4 to discuss propaganda. So no, I did not  
5 discuss it in this particular article.  
6 Q As a matter of fact, can you recall a  
7 single article that you've written where the  
8 word "propaganda" appears?  
9 A I would have to go back and reread  
10 all my articles to see whether that would be  
11 the case or not. Some things I wrote a long  
12 time ago. I honestly don't know whether I  
13 have used that term or not.  
14 Q So as you sit here today, an expert  
15 in propaganda, you cannot name a single  
16 article that you have written in which the  
17 word "propaganda" appears?  
18 A Again, as I point out, all of the  
19 things I talk about in this article are  
20 components of a propaganda campaign if it is a  
21 campaign that uses these components with some  
22 deception and with some lies, and that would  
23 have to be applied to a specific case.  
24 So in that sense, I have talked  
25 about all of the elements that might be used

1 in a propaganda campaign in the context of my  
2 writing.

3 Now, whether I have specifically  
4 chosen to use the term "propaganda" in any of  
5 my writing, I don't recall. Some of the  
6 things I wrote many years ago. Some almost  
7 two decades ago now, and I don't really  
8 specifically recall all of the words that I  
9 used in them. And I would have to go back and  
10 reread all of them to answer that.

11 Q So as an expert in propaganda as you  
12 sit here today, you would have to go back and  
13 reread all your articles to tell me whether or  
14 not the word "propaganda" appears in any of  
15 them?

16 A I would probably have to go back and  
17 reread my articles to see if any particular  
18 word appears in any of them.

19 There are some words that are  
20 evident from the title that I could certainly  
21 tell you. But frankly, I don't keep a  
22 complete photographic memory of all the things  
23 I've ever written in my head. So that's why  
24 I've had to ask for copies to reread things  
25 just simply to make sure.

1 I don't always, you know, there  
2 are a lot of words in this along with all the  
3 other documents I've read, and I don't always  
4 remember every specific word that I've  
5 written.

6 Q Well, Professor, you've testified  
7 here today that you're an expert in  
8 propaganda, and I'm trying to ascertain  
9 whether or not as you sit here today you can  
10 recall a single article that you've ever  
11 written that uses the word "propaganda"?

12 A Well, I've testified that I'm an  
13 expert in propaganda. I've given a definition  
14 of propaganda. I've looked at the components  
15 of propaganda which can include all the  
16 aspects of marketing, public relations, they  
17 use the mass media, and they use advertising,  
18 and they use lobbying. All of those  
19 components of propaganda I have written about.

20 I have also taught about  
21 propaganda in my classes. And as we talked  
22 about before, what is in my writing is not the  
23 exclusive domain of the things that I know.  
24 And I have talked about propaganda in the  
25 classes that I have taught.

1 As to the specific, you know,  
2 the implication I think of your question is if  
3 that word is not in my articles, somehow  
4 you're going to suggest that I haven't talked  
5 about the elements of propaganda. I think  
6 that would be false and misleading.

7 Whether or not that word is in  
8 there, I don't know. Whether I've talked

9 about the elements that can be used in a  
10 propaganda campaign, I think that's clear.

11 Clearly I've taught it in my  
12 classes, and clearly I've discussed it with  
13 other people in the classes that I've taken  
14 and in other professional context.

15 Q I haven't asked about implications,  
16 and I haven't asked about the elements.

17 I'm asking you as you sit here  
18 today can you name a single article that you  
19 have written that the word "propaganda"  
20 appears?

21 MR. BERLY: Objection, asked and  
22 answered for the fourth time.

23 BY MS. TYLER:

24 Q Professor, I don't think I've gotten  
25 an answer. It's a "yes" or "no" question.

312

1 Can you name an article? Can you name an  
2 article where the word "propaganda" appears?

3 A I think what I said is I cannot  
4 recall whether I have used that specific word  
5 in anything that I've written or not.

6 There are plenty of words that I  
7 use that if you were to ask me I couldn't say  
8 whether I recall or not and they're all  
9 important words. So no, I can't recall at  
10 this time. I can't say whether I have or  
11 whether I have not.

12 MS. TYLER: I have no further  
13 questions.

14 MR. BERLY: Anybody else?

15 Okay. I think we're done.

16 MR. PURVIS: Andy, just one thing.  
17 You indicated you would give us a copy of the  
18 bill that he submitted to you.

19 MR. BERLY: Yeah. In fact, I asked  
20 at the break if somebody would give me a fax  
21 number I'd have it faxed in, but I didn't.  
22 But yes, I will follow up.

23 MR. PURVIS: Thanks.

24 MS. TYLER: Thank you, professor.

25 THE WITNESS: Thank you.

313

1 THE VIDEOGRAPHER: The time is  
2 4:30 p.m., and we will now conclude Tape No. 3  
3 and the deposition of Dr. Parrish-Sprowl.

4 (WHEREUPON said deposition  
5 was so concluded.)  
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314

1           IN THE CIRCUIT COURT OF THE FIFTEENTH  
2           JUDICIAL CIRCUIT IN AND FOR THE COUNTY  
3           OF PALM BEACH, STATE OF FLORIDA  
4  
5       THE STATE OF FLORIDA,       )  
6       et al.,                        )  
7                               Plaintiffs,)       Civil Division  
8                               vs.        )  
9       THE AMERICAN TOBACCO        )  
10      COMPANY, et al.,             )  
11                               Defendants.)

12  
13           I, JOHN PARRISH-SPROWL, state I have read  
14       the transcript of the testimony given by me on  
15       March 25, 1997, and that said transcript is a  
16       true and accurate record of the testimony  
17       given except as I have indicated herein.

18  
19                               -----  
20                               JOHN PARRISH-SPROWL  
21       Subscribed and Sworn to  
22       before me this           day  
23       of                        , 1997.  
24       -----  
25                               Notary Public

315

1       STATE OF ILLINOIS)  
2       COUNTY OF C O O K)  
3  
4           I, Donna M. Stifter, CSR No. 084-003145,  
5       do hereby certify:  
6           That the foregoing deposition of JOHN  
7       PARRISH-SPROWL was taken before me at the time  
8       and place therein set forth, at which time the  
9       witness was put under oath by me.  
10          That the testimony of the witness and all  
11       objections made at the time of the examination  
12       were recorded stenographically by me, were  
13       thereafter transcribed under my direction and  
14       supervision and that the foregoing is a true  
15       record of same.  
16          I further certify that I am neither  
17       counsel for nor related to any party to said  
18       action, nor in any way interested in the  
19       outcome thereof.  
20          IN WITNESS WHEREOF, I have subscribed my  
21       name this 26th day of March, 1997.  
22  
23                               -----  
24                               Donna M. Stifter, CSR No. 084-003145  
25

## I N D E X

TUESDAY, MARCH 25, 1997

WITNESS

EXAMINATION

JOHN PARRISH-SPROWL

(By Mr. Purvis)

4

(By Ms. Tyler)

228

## EXHIBITS

NUMBER

PAGE

No. 1

33

No. 2

49

No. 3

98

No. 4

242

No. 5

265

No. 6

273

No. 7

290

No. 8

300